

SINEWS
OF
SECTARIAN
WARFARE?

*State Aid in New South Wales
1836 to 1862*

NAOMI TURNER

Controversy over government financial support of religion is not new. Though the issue of aid to the clergy is dead, that of aid to denominational schools is still a subject of sometimes heated discussion.

In the years between 1836, when the Church Act introduced state aid to the Colony of New South Wales, and 1862 when, after widespread agitation, aid was abolished by the Grants for Public Worship Prohibition Act, a large proportion of the Colony's population was embroiled in dispute.

In this book, Dr Turner examines the arguments for and against state aid, taking the theme that the 1862 Act was a natural development from the pressures inherent in the 1836 Act. Although the Anglican Church's monopoly was broken by the latter Act, the ideal of parity for all denominations, derived from the colonists' demands for equality and justice, was never achieved.

Sinews of Sectarian Warfare makes a significant contribution to an understanding of the relationship of the state to the social, religious, and political events of the time and will be of particular value to historians of the period. But because the events, and the controversy that surrounded them, still influence all Australians, this book should be read if the issues involved in the current state aid debate are to be fully understood and appreciated.

This book was published by ANU Press between 1965–1991.

This republication is part of the digitisation project being carried out by Scholarly Information Services/Library and ANU Press.

This project aims to make past scholarly works published by The Australian National University available to a global audience under its open-access policy.

SINEWS OF
SECTARIAN WARFARE?

SINEWS
OF SECTARIAN
WARFARE?

State Aid in New South Wales

1836-1862



NAOMI TURNER

AUSTRALIAN NATIONAL UNIVERSITY PRESS

CANBERRA

1972

© Pauline Naomi Turner 1972

This book is copyright. Apart from any fair dealing for the purposes of private study, research, criticism, or review, as permitted under the Copyright Act, no part may be reproduced by any process without written permission..
Inquiries should be made to the publisher.

Registered in Australia for transmission by post as a book

National Library of Australia Card no. and
ISBN 0 7081 0738 0

Library of Congress Catalog Card no. 72-187596

for my mother and father

Preface

Where the issue of state aid to clergy and to their churches has been largely forgotten the issue of state aid to denominational schools is still widely, sometimes hotly debated and organisations are still being formed with the object of withdrawing or increasing state aid to denominational schools. Yet the latter cannot be fully understood without considering the former. The two issues dovetail and who can distinguish the join? The Education Act of 1880 was the inevitable postscript to the 1862 Grants for Public Worship Prohibition Act. In the July of 1853 the *Empire* had recognised this fact: 'The subject . . . is but one, and the fate of the one thing must necessarily be, sooner or later, the fate of the other'. There is the hope that a survey of the causes leading to the 1862 Act, relatively narrow in its scope as it is, will help towards a greater understanding of the problem of state aid to denominational schools. Arguments of the 1870s, however valid they then were, are not always logical or even applicable now. As the fundamental principles underlying the Church Act of 1836 required a completely new expression by 1862 so, in the 1970s, may the principles leading to the 1880 Education Act.

The story is one lacking both hero and villain. It nevertheless remains, to use Sir John Young's phrase, an 'interesting Controversy'—possibly because it is a reflector of the desires and fears of men in a new land, the vast size of which played its decisive part in moulding history.

Sydney, 1971

N.T.

Acknowledgments

This book is based on my thesis 'Forces behind the passing of the "Grants for Public Worship Prohibition Act" of 1862 (N.S.W.)'. For the initial impetus towards this study I thank Miss Patricia White and Mr Don Baker; for smoothing the way towards the grant that enabled me to write the thesis, Professor Manning Clark; for helpful, friendly criticism of a preliminary draft, Dr Eric Fry and Dr J. Eddy; for sure guidance through research and writing and, above all else, for sustaining my pleasure in the thesis as venture and reward in itself, Mr Bede Nairn. I am grateful to the staff of the Mitchell, National and Australian National University Libraries for courteous, efficient aid; to the Council of the Library of New South Wales for permission to quote from material in their possession; to the keepers of the archives of the various churches for making their material available to me; and to Major-General J. R. Stevenson, Clerk of the Parliaments of New South Wales, for valuable assistance in providing copies of some of the early bills and in other ways. Terse and selective as all acknowledgments are of necessity, the names of many who have contributed, directly and indirectly, to this book have been omitted but my gratitude to them is sincere.

Contents

	Preface	vii
	Acknowledgments	ix
	Abbreviations	xiii
	Introduction	1
PART I	THE YEARS OF OPTIMISM, 1836-1843	
1	The Church Act	7
2	Denominational Rivalry	27
PART II	EROSION OF A POLICY, 1843-1854	
3	Uneasy Involvement	53
4	Problems of Inequality	68
5	Bulwark for Autocratic Hierarchy	86
6	Social Ferment	111
7	Colonial Responsibility	135
PART III	DECISION FOR THE FUTURE, 1855-1862	
8	The Voluntary System	157
9	State Churches	179
10	Difficulties of Legislation	202
11	Interlocking Issues	223
	Bibliography	251
	Index	267

Abbreviations

Abstract of Revenue	The Abstract of the Revenue of New South Wales and its Appropriation
<i>ACR</i>	<i>The Australasian Catholic Record</i>
<i>AC</i>	<i>Australasian Chronicle</i>
<i>ADB</i>	<i>Australian Dictionary of Biography</i>
ANU	Australian National University
BP	Broughton Papers
<i>CA</i>	<i>Christian Advocate and Wesleyan Record</i>
<i>CEC</i>	<i>Church of England Chronicle</i>
<i>Ch P</i>	<i>Christian Pleader</i>
<i>Ch S</i>	<i>Church Sentinel</i>
CO	Colonial Office
<i>Col Obr</i>	<i>Colonial Observer</i>
Despatches ed.	New South Wales Governor's Despatches editorial
<i>Hansard</i>	<i>Hansard's Parliamentary Debates</i>
<i>HRA</i>	<i>Historical Records of Australia</i>
<i>HS</i>	<i>Historical Studies: Australia and New Zealand</i>
<i>JLC</i>	<i>New South Wales Journal of the Legislative Council</i>
<i>JRAHS</i>	<i>Journal of the Royal Australian Historical Society</i>
<i>JRH</i>	<i>Journal of Religious History</i>
LA	Legislative Assembly
LC	Legislative Council
ML	Mitchell Library

NL	National Library
no p.	no pagination
NSWA	New South Wales Archives
PA	<i>People's Advocate</i>
PHRL	Presbyterian Historical Records and Library, Sydney
SPA	Archives of St Patrick's Cathedral, Melbourne
SPG	Society for the Propagation of the Gospel
<i>Star</i>	<i>Star and the Working Man's Guardian</i>
SAA	Sydney Archdiocesan Archives, St Mary's Cathedral
SG	<i>Sydney Gazette</i>
SMH	<i>Sydney Morning Herald*</i>
SSCA	<i>Sydney Standard and Colonial Advocate</i>
VPLA	<i>New South Wales Votes and Proceedings of the Legislative Assembly</i>
VPLC	<i>New South Wales Votes and Proceedings of the Legislative Council</i>

* Until August 1842 the *Sydney Morning Herald* was entitled the *Sydney Herald*. For convenience I have referred to it throughout as the *Sydney Morning Herald*.

Introduction

On 29 July 1836 the eighth Governor of the colony of New South Wales, Sir Richard Bourke, and his Legislative Council passed an Act to promote the building of Churches and Chapels, and to provide for the Maintenance of Ministers of Religion in New South Wales, 7 William IV, No. 3, or the Church Act as it was commonly called. Its clauses were straightforward and may be grouped into three divisions.

First: once a denominational body had collected voluntary donations to the amount of £300 for the purpose of building churches or ministers' houses, the government pledged itself to contribute a like sum provided that this did not exceed £1000.

Second: those who had given donations towards the building were responsible for nominating not less than three nor more than five trustees who would then be entrusted with the management of the temporal affairs connected with the building. The government stipulated that one-sixth of the sittings were to be free. For those churches already built and maintained at the public expense, the governor, with the advice of the executive council, was to nominate the trustees.

Third: the government would pay stipends for officiating ministers on certain conditions. If a group of at least 100 people lived within a reasonable distance of the proposed church, they could obtain an annual stipend of £100 for the minister by presenting a declaration expressing their desire to attend the church. When such a group numbered 200, the annual stipend was £150. The maximum stipend was £200 and this was given when at least 500 people signed a declaration. Provision was also made for an area where it was not thought practicable for a church to be erected: if the people of the area raised £50 towards the support of a minister, the government added £100. Before the annual stipend could

be issued the government had to be assured of the minister's regular performance of his duties towards the people.

The Church Act remained unaltered until the Grants for Public Worship Prohibition Act, 26 Victoria No. 19, was passed by the parliament of New South Wales on 4 December 1862. No minister of religion who was not already in possession of a state stipend could in future claim or receive any allowance from the government. Those ministers receiving stipends at the time of the Act were to continue to receive them while they officiated under lawful authority. There was only one exception: future chaplains of gaols and other penal establishments could still receive stipends.

At a superficial glance, the title of the 1836 Act appears to reveal the purposes for which it was framed: the provision for the building of churches and for the livelihood of ministers was seen as necessary for a convict-dominated society. The general poverty, material and spiritual, of the colony certainly indicated the need for government provision. The Church Act, however, was not so simple. And, to understand the Grants for Public Worship Prohibition Act, the intentions of those responsible for the Church Act of 1836, the background forces that led to its shaping, and the reactions immediately after the passing of the Act must be first briefly examined. The 1862 Act was, basically, the result of a natural development of pressures that, in embryonic form, had been responsible for the 1836 Act: the two Acts are very much kin. State aid to the churches—with which both Acts appear to be solely concerned—came to be a symbol of religious equality rather than a means to achieve it and, when the end, equality, was largely gained, then it was relatively easy to let the original symbol go as being outdated. Moreover, almost paradoxically, by 1862 the Church Act had become in itself the supreme obstacle to religious equality.

To elaborate my first proposition. With the failure of the Church and School Land Corporation in the early 1830s, it was obvious that the Church of England would never be accepted as the established church in the colony. Consequently, a new relationship between the state and religion had to be envisaged. A factor behind the rejection of a dominant Anglican church was an emerging conscious desire that the colony should be a new Eden where man, untrammelled by restraints of convention and

tradition, could work out, perhaps not necessarily his eternal salvation, but the perfect life. This desire strengthened with the years: one strong fetter on it was a state-church relationship that meant only the monopoly of the Anglican church within the state. It was easy, then, to see the Church Act granting an official recognition and, therefore, equality to all denominations, as a liberalising force. Of course, this is what the Church Act was meant to be. The financial aid was not the most significant part of the Act in 1836. Reactions following the Act are conclusive proof of this. People praised or condemned the Act because it recognised all denominations, not merely the Church of England. This is understandable because financial aid to the recognised church was an accepted part of the state's functions; the old state-church pattern, although now extended to other denominations, was retained. Besides, as the state had always financially favoured the Church of England, that church's existing assets in 1836 placed it in a superior position to the other churches and these, in a convict-dominated society, could not hope to be adequately supported by their adherents, so state aid was a necessary means for them to secure some kind of practical equality. However, it was not long before state aid was seen as the symbol of official recognition and equality of churches, and therefore as the major, if not the whole purpose of the Church Act.

This brings me to my second proposition. When men were talking in the 1850s of repealing the Church Act, they were talking of withdrawing financial aid to the churches. The Church Act had made the equality of the churches such a reality that no one disputed it: indeed, one very important cause of the 1862 Act was the desire to make this equality even more real and permanent. By 1862 state aid had become an obstacle mainly because it was given only to the Anglican, Catholic, Presbyterian and Methodist churches, the four that were present in the colony in the late 1830s. Migration, increasing the population through the intervening years, had introduced new sects and strengthened those whose numbers were negligible in 1836. Denominations not receiving state aid in 1862 saw the four state-favoured churches in much the same light as the Church of England had been seen in 1836. In its purpose, the Grants for Public Worship Prohibition Act of 1862 was fundamentally the same as the Church Act of

1836 although its means were the opposite. Since it was impossible to give state aid to all churches, then justice and equality demanded its withdrawal from the four state churches. Men fought to remove state aid in 1862 in order to keep the real substance of the 1836 Church Act—justice and equality.

Granted this argument, it could well be asked why there was so much opposition to the 1862 Act. In many ways the Church Act and the Grants for Public Worship Prohibition Act had more social and civil significance than religious. As late as 1862 the Church Act was still known as the Magna Charta of New South Wales and this is the explanation for much of the opposition to any tampering with it. The Act had been introduced at a period when full toleration and acceptance of all denominations were rare in the British Empire. It stood for tolerance of another man's views, for justice towards all, for equality of persons no matter their past misdeeds, their origin or their religious denomination, and so for a Utopian future where all men, accepting one another, would live harmoniously as one race. More specifically, the Church Act with its state aid appeared as a bulwark securing the equality of all churches against the dominance of the Church of England.

This is what made the issue so bitter: the majority both of those who opposed and of those who supported the 1862 Act were actually working towards the same goal of justice and equality. The mental approach of the former group, however, belonged to the 1840s, not to the 1860s. The same language was spoken but the words had a different meaning.

PART I

The Years of Optimism

1836-1843

I

The Church Act

Laws are made, not to create, but to provide for needs already in existence. It would, however, be a dangerous analogy to conclude that laws are repealed because the needs that had led to their formulation have disappeared: a law is sometimes repealed when people decide that there are other and better means for fulfilling their needs. The Act to promote the building of Churches and Chapels, and to provide for the Maintenance of Ministers of Religion in New South Wales, passed in 1836, was to prove such a law.¹ Although placed before the Legislative Council on 22 July 1836, by the Governor, Sir Richard Bourke, and enacted as law exactly one week later, it was no hasty legislation. As early as September 1833, Bourke had officially declared his views, which ultimately resulted in the Act, in a despatch to the secretary of state for colonies.² The despatch reveals that Bourke's suggested provision for the building of churches and for the livelihood of ministers was merely the means to an end and the end was not to secure the obvious one of the salvation of men's souls, except perhaps incidentally. Bourke expected very material returns for the financial outlay. An analysis of his despatch is, therefore, essential if the Church Act is to be seen shorn of its legendary grandeur and in its right perspective.

In his opening sentence Bourke intimated that His Majesty's government had brought about a political hiatus: the Church and School Lands Corporation in New South Wales had been dissolved in February 1833; no substitute arrangement had been made or

¹ For the Act see *The Acts and Ordinances of the Governor and Council of New South Wales*, II, pt 2, 1832-1837, pp. 719-23.

² Unless otherwise specified, all references and quotations in the following paragraphs analysing the despatch are from Bourke's despatch, 30 September 1833, printed in *VPLC*, 1824-37, pp. 459-62.

suggested. Bourke took for granted that the government had a definite duty to provide for 'the future maintenance and regulation of Churches and Schools within the Colony'. This was not surprising in the light of the facts of a state-endowed church in England and 23,357 British convicts in the colony. Bourke then asked that the government should make arrangements for an entirely different church-state relationship than that in England, one that would 'meet with the favor and support of the great majority of the Colonists'. The early assumption of men in authority had been that the church-state relations in England would transplant successfully in the colony. The failure of the Church and School Lands Corporation had spelt out the inevitable end of such an assumption to all but the most prejudiced. It was quite certain that the colonists objected to the existing arrangement whereby the Church of England was financially favoured and Bourke wrote that 'the magnitude of the sums annually granted for the support of the Church of England in New South Wales, is very generally complained of' by the free colonists and that demands for a more equitable distribution of state bounty were being made.³ Two reasons prompted the objections: the colonists 'provided the funds from which this distribution was made' and they saw the distribution as unjust. Did they consider that, since they gave the money, they should, in justice, be allowed to direct its use? Or did they merely consider that the government should, in justice, see that each man received a due return for what he rendered it? Possibly the two reasons fused. In any case, the arguments were to become very familiar before 1862 because at their core lay that spirit of freedom that, developing as it does in a frontier society, strengthens man's innate determination to secure equality of opportunity for all.

Bourke moved on to state directly and emphatically what he had hitherto skirted: 'it will be impossible to establish a dominant and endowed church without much hostility, and a great improbability of its becoming permanent'. Despite the proportion of Anglicans in the colony this was Bourke's firm conviction. He also pointed to the newness of the colony, implying that the bind-

³ In Abstract of Revenue, 1834, £16,290.3s.5d. was appropriated for Anglican clergy and schools; £564.4s.11d. for Presbyterian clergy; £1,714.10s.8d. for Catholic clergy, schools and churches. See *ibid.*, pp. 269, 271.

ing force of old traditions was lacking, and to the relatively new policy of the British government of encouraging migrants of all denominations to what had been intended as a convict settlement. Bourke clearly warned that, if a church were established in New South Wales, 'the interests of religion would be prejudiced by its establishment'. This is thought-provoking. Did the colonists object to a dominant church because it would be government-backed and so, very probably, government-directed? Or did they see the Church of England as too orientated to the convict establishment that many already were trying to abolish, too closely linked to the penal autocratic government for which men wanted to substitute a more democratic system? There was good reason for the latter view. Less than five months after Bourke's despatch, the Anglican Archdeacon, Rev. William Grant Broughton, was urging his clergy to recall the government to its duty of reinforcing the regulation that ticket-of-leave men must attend divine service on the Sabbath. Broughton wrote that the relaxation of such a regulation on the part of the public authorities was encouraging a general religious indifference. He ordered his clergy to report any ticket-of-leave men in their parishes who failed in regular Sunday observance in order that their permits could be withdrawn. Broughton made the comment: 'We are entitled to expect from the civil power this degree of co-operation'.⁴ Whichever way one looks at this exhortation from the head of the Church of England in the colony, it is obvious that the church was anxious that it should work hand in glove with the penal government and saw itself as that government's mentor. It would have been equally as obvious to the colonists, especially to the convicts, of the period. Another reason for Bourke's confidence that an established church would prejudice the interests of religion would have been his fear of the irreligious results encouraged by the jealousies and bickerings among churches inequitably supported by the government. All these views, articulate even in the 1820s, were to develop into familiar clichés by 1862.

Bourke twice stated that his plan of state aid to the churches was meant to be temporary. In his 1833 depatch he wrote of 'the support which the principal Christian Churches in the Colony, may, *for the present*, claim from the public purse' [my emphasis].

⁴ W. G. Broughton, *A Charge Delivered to the Clergy*, p. 15.

Bourke saw that voluntary support for the various churches would not guarantee the continued existence of the churches in New South Wales. The cause for this could have arisen from indifference to religion or, more likely, from the impossibility for convicts and the majority of colonists, still struggling for a livelihood, to provide the money to maintain let alone expand their respective churches. Or from a combination of both factors. Bourke, moreover, clearly believed that, once churches and clergy were liberally supplied for the people through universal state aid, religious fervour would be awakened and that this fervour, coupled with a spirit of self-reliance developed in people who were allowed to manage the temporalities of their churches, would eventually lead to an abolition of state aid. In this sense, the Church Act, as envisaged by Bourke, was to mould the causes for its own repeal. But in 1836 Bourke perceived as a more important result of his plans the greater loyalty of the people to their churches and the greater willingness to obey their pastors. That he hoped for such results plainly suggests the absence of both subservience and virtue in the colonial society of 1833.

Bourke's final paragraph on the church situation before he wrote his account of the schools sums up the whole purpose of what was to be the Church Act. The government, he hoped, would thus set an example of a just impartiality towards all through its recognition of the equality of all the denominations. Why religion was chosen as the medium for this example of liberal toleration is perfectly clear. Since religion upholds the true brotherhood of man, the people 'will be united together in one bond of peace'. Religion also upholds due respect for authority: the people will be 'taught'—by their state-supported ministers?—to see the government 'as their common protector and friend'. To put it more bluntly, the Church Act was to establish a new department of state that would assume the duties of a moral police.⁵ The government intended to use the churches to woo the people along the political and social patterns it desired to impose.

⁵ Bourke was not alone in this view of clergy acting as moral police. In his *Six Years' Residence in the Australian Provinces ending in 1839*, W. Mann wrote: 'It is clear that some form of Christianity should be established, to instruct the poor and the ignorant, otherwise it will cost as much for the support of gaols and penitentiaries as the support of the clergy would amount to', p. 214.

Such an intention is understandable given the society in 1833 that had been dominated by the government since its foundation and where there were but three free men to two bond.⁶ The government had always been the provider, the unifier, the life-line to a Britain that was still home. Whatever kind of future society Bourke intended for the colony, his despatch makes very clear the link between social and political problems in 1833. The government confronted colonists quarrelling and divided among themselves, isolated groups in the main, parted by barriers of race and religion,⁷ with the overriding chasm between the bond and the free. They were not an easy people to rule. But where once the government had imposed its will on convicts with little fear of opposition, it had now to cope with the increasing number of immigrants wanting a life less restrained than the old one. The image of the government consisting of a privileged clique favouring the few free families and oppressing the bond had now to be altered: the steadily increasing numbers rendered the old form of life impossible. Secular values, stimulated in the sheer physical struggle for bare existence in the early days, had not been enough to nurture civilised values, slight as they were in many cases, and the government saw the need to counteract the immoral effects stemming so abundantly from the desire for wealth. In 1833 the state had far from good subjects, society far from good men. State aid, thought Bourke, would extend the power of the churches and so change all that; state-aided religion was to be a catalyst in the colonists' souls and they would see the government as a 'common protector and friend'. The outcome would be a model, manageable society, passively obedient to a paternal government.

In this sense, of course, Bourke was participating in and using the very materialism which he was consciously endeavouring to combat. And because he was largely responsible for the churches becoming associated, in every meaning of the word, with the government policy, he was likewise responsible for the churches being compelled—such was the dominance of the government in

⁶ In 1833 there were 36,318 free people in the colony and 24,543 bond, that is, 148 free to 100 bond. In 1836 there were 49,265 free and 27,831 bond, that is, 177 free to 100 bond. R. Mansfield, *Analytical View of the Census of New South Wales, 1841*, p. 17.

⁷ In 1833 there were 43,218 Protestants, 71.5 per cent of the population, and 17,200 Catholics, 28.5 per cent. *Ibid.*, p. 22.

the colony—to rely on materialistic values in order to survive. Over-aware of the importance of government recognition as they were, the churches consequently sought to identify themselves even more fully with the state; and each had a jealous eye on the individual relations of other denominations with the government lest it should lose an advantage, political and financial (for the words were virtual synonyms) and so, eventually, social. The churches were not seeking political advancement for its own sake. They genuinely saw it, given the situation after the Church Act, as an essential preliminary to spiritual growth, even to spiritual existence. It was nevertheless unfortunate that the political connection of the churches with the government came to loom so large in the minds of men.

This judgment on Bourke's aims and the methods he introduced to achieve those aims may seem a little harsh. No one at the time, and few since, realised the implications for the history of religion in Australia. The Church Act was then, and later, acknowledged as a liberal measure. Bourke, 'the most popular Governor who has ever presided over the colonial affairs', arrived in Sydney in December 1831.⁸ No rebel or radical reformer, he was a man who, moving with the times, consolidated and fitted already accepted ideas into the pattern of life. This perhaps accounted for much of his popularity: he spoke for and acted with the majority, never ahead of them. His was the task of stabilising society on ideals of justice already articulate in New South Wales. The Church Act was not extraneous to any of his achievements in the colony. It was part of Bourke's constant policy of impartiality, of his willingness to extend justice to all.⁹ Not all his contemporaries, however, accepted this view of Bourke's impartiality. When the despatches with his plans for church and school were printed, some looked on them with suspicion simply because he was their author.¹⁰ Complaints were heard that Bourke sought advice for his measures from 'the paid minions of his government' not from independent men,¹¹ an attitude assuming that government officials were subservient and men holding no government position beyond criticism simply

⁸ T. H. Braim, *A History of New South Wales*, I, p. 275.

⁹ P. S. Cleary, *Australia's Debt to Irish Nation-Builders*, p. 54.

¹⁰ *SMH*, 6 June 1836, article, 'R.S.T.'

¹¹ *Ibid.*, 8 August 1836, article, 'A Circular'.

because they did not receive government pay. This implication soon became an open observation. The Legislative Council was said to lack public confidence because

The really respectable and intelligent Colonists have no voice in it . . . it is a 'close body' swayed by Popish influences . . . it is quite clear that, at present, the interests of the Protestant Emigrant Colonists are at the feet of Convict and Popish influences.¹²

It was easy, then, to associate the Church Act with a British-imposed and penal government, to see it as an Act which no independent Protestant in the colony would want mainly because Catholic influences had helped to bring it into existence. It was all the easier because the assertions were at least partly true.

Judge Roger Therry, one of the few socially prominent Catholics in the colony, had been writing on the Catholic issue to Edward Blount, Member of Parliament for Steyning, before Bourke had written his famous despatch. In a letter dated December 1833, Blount congratulated Therry on his efforts to gain for the Catholics 'adequate protection, places of religious worship, and spiritual instructors'. The funds for these objects, wrote Blount, must come not from charity doled out by individuals but from a government firmly convinced that 'not only justice and humanity, but the well-being of the Colony, essentially depend on the maintenance of public morality'. Urged on by Therry's persuasive arguments, Blount kept before the British government the question which must have played a major part in gaining British approval for Bourke's plans, 'Are the Catholics of our foreign dependencies to be good or bad subjects?—loyal, orderly, and educated, or factious, ignorant, and degraded?' Blount's pressure was of weight. Lord Stanley, Secretary of State for the Colonies, wrote to Blount in February 1834, enclosing a despatch from Bourke stating 'that provision has been made for the maintenance of four additional chaplains'.¹³ It was the breakthrough for the eventual acceptance of the Church Act.

For the draft of the Act Bourke relied on his new Attorney-General, the Catholic John H. Plunkett, whose appointment he

¹² *Ibid.*, 12 September 1836, ed.

¹³ R. Therry, *Reminiscences of Thirty Years' Residence in New South Wales*, pp. 148-9.

had warmly recommended.¹⁴ Much later, in 1856, Plunkett was to say that, because he had been 'the confidential and bosom friend' of Bourke, they had together arranged all the provisions of the Church Act some two months before even the colonial secretary saw it.¹⁵ Plunkett also testified to the unpopularity of the Act after it was passed.¹⁶ But, as James Macarthur, son of the founder of the Australian wool industry, was only one to write that the Act 'met with the full concurrence and approbation of the colonists at large',¹⁷ Plunkett's opinion is open to qualification. Always sensitive to a reference to Catholicity, he doubtless magnified the opposition which was based on an anti-Catholic attitude.¹⁸

On the whole, the newspapers in 1836 were favourable towards the new system. An analysis of their comments on Bourke's despatch embodying the Church Act and on the Act itself can, however, detect the stirring of thoughts suggestive of its ultimate repeal. The *Sydney Morning Herald*, no friend to Bourke or to his government,¹⁹ viewed the despatch with suspicion, and its criticisms touch on points destined to develop in importance. The despatches of Bourke and Lord Glenelg, Secretary of State for Colonies, according to the *Herald* on 4 July 1836,

have a political complexion easily appreciated . . . They are ostensibly religious, but we cannot shut our eyes to their political tendency, which, by inattention or imprudence, may prove highly injurious to civil interests.

Evidently anxious about the future of church-state relations, the

¹⁴ Bourke to Earl of Aberdeen, 26 July 1835, Despatches, A1213, ML, p. 618.

¹⁵ *SMH*, 21 March 1856, from Plunkett's speech in report of election results.

¹⁶ *Ibid.*, 29 July 1854, report, LC.

¹⁷ J. Macarthur, *New South Wales: Its Present State and Future Prospects*, p. 242.

¹⁸ In *Colonist*, 16 June 1836, the editor wrote: 'We are well aware that the liberal and enlightened policy which the Home Government have approved and sanctioned . . . will be represented in certain quarters as "a blow at the root" of Protestant Christianity'. He added, 'We shall doubtless be told that the grand objection to the new system is the admission of Roman Catholics to equal rights and privileges with the Protestant communions'.

¹⁹ The antagonism was aroused because Bourke's administration was largely under the domination of those members of society who desired the continuance of transportation and these men resented the attacks of the *Herald* on transportation. See *A Century of Journalism, 1831 to 1931: The Sydney Morning Herald*, p. 45.

Herald referred to the situation in England where even the most sincere Anglican deplored the power of the clergy in the state but where it was impossible to interfere in long established customs: 'in new colonies [however] a more judicious system should prevail'. The *Herald* suggested that it would be better if a congregation voluntarily provided a sum towards the minister's support before the government granted a stipend. In the same editorial, the *Herald* was responsible for a criticism that was to be bitterly echoed more than once in the succeeding years: it admitted that the colonists were bound to support their own churches and schools but 'The free people of Australia must not be made chargeable with the [spiritual] education of the progeny of British and Irish convicts'. For these the British Treasury should be responsible. The ending of convict transportation in 1840 weakened this criticism but it served the purpose of creating a feeling that in some ways the Church Act was not as liberal as Bourke claimed. More than this. It helped to associate the Act, and so the churches aided by it, with the British government's exploitation of Australia and with the convict system. 'The free people of Australia' were awakening to their separate identity.

Another *Herald* editorial coupled complaints about the heavy police expenditure with the expenditure for the churches.²⁰ It was an unhappy association and one which was to continue; often was the statement made that, if more clergy were provided, fewer police would be required. The questioning of the value received from the police expenditure (towards which many believed Britain should contribute) was transferred to the church expenditure, with the duties of the church often becoming confused with those of the police. Playing on anti-Catholic sentiments, the *Herald* also commented on an injustice in the Church Act, an injustice which was to increase: 'while all Protestant dissenters are *unprovided* for . . . the Roman Catholic Clergy are placed on an eminence superior to the interests alluded to'. The grievance was aggravated by the unseemly haste of the head of the Catholic

²⁰ ²¹ July 1836, editor gave the figures: £45,200.13s.4d. for the police; £19,167.10s. for the three main churches, without taking into account the school expenses. Writing of the early colony, J. Bonwick commented that 'convicts being kept in restraint by the clergy, it was thought prudent, and even economical, to subsidize black-coatism', *Curious Facts of Old Colonial Days*, p. 39.

Church, Bishop John Bede Polding, to take full advantage of the new measures. On 6 May 1836, Polding had written to Bourke requesting permission to bring out six additional clergy.²¹ Polding had followed his move by sending his Vicar-General, Rev. William Bernard Ullathorne, to the British Isles so that an effective recruiter on the spot could make sure of the extra clergy for Australia. Because Catholics were almost synonymous with Irish convicts the grievance that Britain was not paying her share towards the material and now spiritual upkeep of convicts in the colony was strengthened by religious animosities and prejudices. The *Herald* identified Catholicism with the enemies of liberalism:

it is no argument to convince Protestant Emigrants that they are bound to defray them [expenses of the Catholic clergy] out of their Protestant pockets, for the destruction of the principles of civil liberty which it is well known the Roman Catholic creed impresses on society.²²

This writer would hardly hail the Church Act as a major step towards a more liberal age.

The colonists had been wary of too close a connection between church and state for some time. There had been opposition to the seat in the Legislative Council given to the head of the Church of England in the colony, Broughton: we are utterly opposed, the *Herald* bluntly declared in June 1836, to any political union between the head of the church and the government because the 'union of the calling of a christian minister and of the worldly politician is, in our opinion, altogether unnatural'. Much of this dislike for clergy stepping out of their spiritual sphere came from the effects of the Church and School Lands Corporation. In 1832 Rev. John Dunmore Lang, founder of the Presbyterian Church in the colony, was advising the secretary of state that the colonists consequently identified the episcopal clergy with secular pursuits and that the Corporation aroused dissatisfaction among those immigrants who had to push further outback when so much good land was lying waste in the grip of the Church of England.²³

The Church of England was also seen as an appendage of the

²¹ Polding's letter, *SMH*, 14 July 1836.

²² 21 July 1836, ed.

²³ R. Flanagan, *The History of New South Wales*, I, pp. 368-9.

British government. Therefore, the political resentment against British interference in Australian concerns became further linked with religion. The *Sydney Gazette*, for example, hotly objected to the consecration of Broughton as bishop. The colony, it complained in June 1836, had no need of a bishop but 'His Majesty's Secretary of State says the word—let there be a Bishop, and a Bishop there is accordingly, a Right Reverend Bishop of Australia!' There was more than the spirit of insubordinate independence wounded. The colony had been touched in its sorest spot: 'But who pays the piper of the Hierarchy in such a case? Why, the Colony, to be sure!' The same spirit of independence with more than a touch of the democratic aggressiveness necessarily growing from it led the *Sydney Gazette* to prefer the voluntary system. With the voluntary system, it explained, 'Then would there be no mitres and ecclesiastical thrones . . . usurping the place of the plain evangelical pulpit'. When democracy was won, the *Sydney Gazette* prophesied, the voluntary system would replace state aid. It also prophetically pointed out what was to become a bone of contention: a fair distribution of state aid was difficult to assess. But Lang, editor now of the *Colonist*, wrote that no other Act had given him 'more unmingled satisfaction'. Possibly his enthusiastic support for the Church Act derived from the realisation that it was 'a death-blow to that system of Exclusive Episcopal domination, under which', he added with characteristic exaggeration, 'Christianity itself has suffered and bled, and well nigh expired in this colony'. Lang also supported the Church Act in 1836 because he believed that, in aiding the clergy to become more efficient, the cheapest and the best police were provided for the colony.²⁴ The *Australian* had much the same view of clergy and police; both were necessary for the welfare of the community, both, to be efficient, had to be supported by the government. It saw the Church Act as an outcome of steadily advancing liberal principles and praised the recognition of the equality of all religions before the government.²⁵

In the newspapers there was more than a seed of opposition to the Church Act. The Church of England, standing to lose most in prestige value, could well have encouraged its growth. That

²⁴ 21 June 1836, ed.

²⁵ 13 September 1836, ed.

it did not do so was partly due to the realisation that the Anglicans, comprising the majority of the colonists, would of a certainty benefit far more from the Act than any other denomination.²⁶ The major cause for the Church of England's grudging acceptance of the Act was Bourke's second proposal in his 1833 despatch, a proposal to which Glenelg had given approval. Bourke had seen the need for a general education system, one which would not be connected with any particular denomination, and he wanted to introduce the Irish National System of Education, which, unfortunately for its future, appeared to favour the Catholics. To Broughton, and to Protestants as a group, this was the more insidious proposal and he devoted his whole energy to defeating it, even becoming the leader of an opposition combining all the Protestant churches.²⁷

The results of the Church Act in terms of buildings and clergy were well apparent before 1842 in the three principal churches participating in the aid (the Wesleyans had quietly accepted one state stipend in 1838 but their numbers were still small and scattered).²⁸ Broughton was writing to Bourke on 26 November 1836 for permission to bring out nine extra clergy and his list of achievements to this date was impressive, as was his obvious eagerness to prove Anglican zeal.²⁹ At the end of 1836, seventeen Anglican clergy were in New South Wales, including one whose pastoral work was with the Aborigines;³⁰ within two years, the clergy numbered thirty-six.³¹ Not far behind the Church of England was its main rival, the Catholic Church. As a contemporary Catholic historian modestly put it, 'it was deemed advisable by the Bishop [Polding] and his Vicar-General to take full advantage of its [Church Act's] provisions without delay'. In 1835 there had been nine clergy working under Polding and three churches; in 1840 the clergy had increased to twenty-one and the churches

²⁶ In 1841 Anglicans totalled 73,727 out of a population of 128,726. Braim, II, p. 123.

²⁷ In a letter to Rev. Dr Keate, 1 May 1837, Broughton proudly styled himself 'the leader of the opposition'. BP, MS1731, NL.

²⁸ The first stipend to a Wesleyan minister is recorded in Abstract of Revenue, 1838, VPLC, 1839, p. 347. In the 1841 census the Wesleyans totalled 3,235. R. Mansfield, *Analytical View of the Census of New South Wales, 1846*, Sydney, 1847, p. 81.

²⁹ See Despatches, A1216, ML, pp. 530-1.

³⁰ Tegg's *Almanac 1837*, p. 117.

³¹ Tegg's *Almanac 1839*, pp. 144-6.

to nine with six in the course of erection.³² And, where in 1836 there had been five Presbyterian ministers, in 1841 there were eighteen and eight licentiates.³³

Beneath the statistical success less tangible factors moved in flux. For many Anglicans the Church Act had been 'a revolution in the constitutional principles, upon which the colony of New South Wales had been established'.³⁴ They refused to accept the Church Act's bestowal of equality on all denominations because it would mean for them a rejection of the basic element in the securely traditional society they had known in England. This, the English framework of life, had been intended for the colony. Thomas Hobbes Scott, then secretary to J. T. Bigge, had suggested the idea that Earl Bathurst, Secretary of State for the Colonies, had finally formed into the Church and School Lands Corporation. But the land hunger of the colonists, together with their strong belief that the land belonged to them as a whole and not to any privileged class or organisation, had been largely responsible for the Corporation's dissolution. Its brief existence had aroused antipathies towards the Church of England that were not easily dissolved.

The failure of the Corporation had also focused into one frame the impossibility of a successful transplant of English ideals because colonial circumstances, sprawling and inchoate in every way, could not be tightly boxed into predetermined shapes. Not that it was a deliberate imposition of a foreign framework; for the English this was their way of life, they did not envisage a situation where it would not apply. The Corporation's existence had highlighted the more immediate and observable cause for the rejection of an English society. The Church of England, as an organisation, had come to the colony with the heritage of an inescapable association with the old social forces of conservatism and privilege and the government had stamped its approval with the gift of one-seventh of the colony's lands. Moreover, as the principal officers had always been Anglicans, at least nominally, and the Church of England had been a close partner in the work-

³² J. Kenny, *A History of the Commencement and Progress of Catholicity in Australia to 1840*, pp. 185, 209.

³³ Further statistics for churches and clergy are given in W. W. Burton, *The State of Religion and Education in New South Wales*, pp. 112-16.

³⁴ *Ibid.*, p. 42.

ing of the early convict system, the Church of England and the despotic government of penal days were regarded by many as an indivisible unit. As the government officers retired, wealthy from their service, they formed an Anglican core of aristocrats. With such men as the Macarthurs and the Oxleys, they set their faces against encroaching and leavening forces inevitably developing within a racially mixed and growing population. Refusing to give social recognition to the emancipists and the lower classes of immigrants, they fought for the continuance of the old system; the upholding of transportation was only one aspect of their struggle. With clearer foresight the British government passed the Church Act, their formal acceptance of the necessity to adapt and not simply to control. It was the end of an era though not all men were ready to accept it as such.

Had another man been consecrated Bishop of Australia instead of Broughton, the identification of the Church of England with conservatism and autocracy might well have been weakened. If this had happened, the role of the churches and the Church Act would have been seen in a different light. Actively defending the traditional rights of his church, the plodding and meticulous Broughton was purposely striving towards the strengthening of this identification. In the Church Act he saw the refusal of the government to fulfil its obligation of supporting the true religion and he saw, as a result of this refusal, that 'the bond of integrity by which society is held together must be fatally relaxed'.³⁵ Broughton's early comments on the Church Act are peculiarly shrewd:

I cannot forbear repeating my objection to the entire *principle* of the measure. The apprehensions with which this fills me arise not so much on account of the Church as of the Government, which is going to involve itself in a labyrinth out of which it cannot be extricated except by renouncing, at no distant date, all concern about and connection with, the interests and affairs of religion . . . These evils may probably not manifest themselves fully in your Excellency's time or mine.³⁶

The one enemy to social integrity for Broughton was the Catholic Church. He had his vision of being 'set in the Front of the Battle

³⁵ Copy of a paper written by Broughton and entered in the minutes of the Executive Council, 4 August 1845. See Despatches, A1267.22, ML, p. 3313.

³⁶ Undated letter in Twenty Two Letters from Broughton to Bourke, Ab29/6a, ML.

against the Force of the Roman Catholics, and having almost singly, to sustain against them the cause of the Church of England'.³⁷ He was battling first against the Church Act then against the Irish National System of Education since he saw in these measures, particularly in the latter, the overthrow of the old English tradition of a society based on a state-established and endowed church. It was his and his church's misfortune that the Catholics, as enemies of the Church of England, were thus logically associated with the forces of change. And change, then as now, meant progress in the minds of the majority.

For the colonists Broughton was the personification of autocracy, and this not only symbolically. The *Sydney Gazette* looked askance at Broughton's large salary and foretold that with the coming of democracy in colonial politics would come a like revolution in religion. The levelling of clerical salaries, it threatened, would be only one change.³⁸ On 2 March 1842 the *Colonial Observer* went further. State aid in itself was undemocratic and, once representative government was established, state aid would be withdrawn,³⁹ together with the autocratic powers of the Anglican bishop: the laity would then directly elect their own parish ministers and indirectly elect their bishop through these ministers. Broughton's power over his clergy was indeed almost unlimited. The anomalous position of the Church of England in the colony contributed to it, but so did the Church Act, which had automatically increased the powers of every head of the denominations that accepted state aid since every minister had to receive annual approval from his superior before his stipend was issued to him. As one newspaper editor angrily pointed out, the clergy held their appointments 'at the caprice of the Bishop'.⁴⁰ The Anglican clergy had not even the vested rights in their parsonages as had their confrères in England so that the bishop,

³⁷ Broughton to Coleridge, 26 July 1836, BP, MS1731, NL.

³⁸ 23 June 1836, article, 'Bishop Broughton'.

³⁹ As early as 1837 Broughton himself realised this possibility: 'all may be brought to depend on the fluctuating will of a popular assembly'. Letter to Coleridge, 19 October 1837, BP, G244, NL.

⁴⁰ SSCA, 9 September 1839, ed. An Anglican minister working in New South Wales in 1837 and 1838 wrote that Broughton's 'clerical slaves, in complaining language, told me of the nature and extent of their vassalage'. Hence he declined the offer of a state stipend, £350, which would have placed him under Broughton's power, and left for India. T. Atkins, *The Wanderings of the Clerical Ulysses*, pp. 163-4.

except for the slight power vested in the trustees of church property, had even their temporal dwellings in his control.⁴¹ Broughton had sought to extend his power further. In 1837 he wrote to Glenelg requesting a jurisdiction over the clergy to the exclusion of all interference on the part of the civil government. Glenelg, after seeking ecclesiastical advice, stated firmly that the clergy of all denominations were not to be exempted from ordinary temporal jurisdiction. He did, however, recognise the great authority of Broughton as bishop, given to him so that there would be a competent authority in the colony to investigate and to decide on any complaint against the Anglican clergy for neglect of duties or breaches of ecclesiastical discipline. Significantly, Glenelg wrote that 'Her Majesty's Government are anxious that the local Government should interfere as little as possible with the affairs of any church or denomination of Christians within the Colony'.⁴² It was no wonder, then, that Broughton came to be known as 'our Australian Pope, Patriarch and Pontiff'.⁴³

Without the ability to mingle familiarly with the common man, Broughton was most at home with the upper class of Sydney and some of his clergy were quick to follow his example.⁴⁴ There resulted a certain alienation between the ordinary folk and their clergy as a whole and a union of the two was called for.⁴⁵ Broughton himself saw a need for unity within his church, although he saw the need arising from diversity in doctrine and not in terms of newer social demands based on a democracy which required the clergy to fit comfortably into lower-class standards.⁴⁶ Tractarian in tendency,⁴⁷ Broughton had little sym-

⁴¹ The Act to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales was passed 6 September 1837. For the Act see *Public General Statutes of New South Wales from 5th Geo. IV to 8th Will. IV inclusive, 1824-37*, pp. 705-14.

⁴² Glenelg to Governor John Franklin, 17 November 1838, Despatches, A1278, ML, pp. 579-83.

⁴³ *Atlas*, 31 January 1846, ed.

⁴⁴ *SSCA*, 2 September 1839, article, 'Protestant Ascendancy in Church and State'.

⁴⁵ *Ibid.*, 5 August 1839, article, 'Church and State'.

⁴⁶ Broughton, *Charge to the Clergy*, 1841, pp. 1-2.

⁴⁷ The term, 'Tractarian' is derived from the *Tracts for the Times* connected with the Oxford Movement in England, the purpose of which was 'to disseminate Church principles "against Popery and Dissent"'. See F. L. C. Cross, *Oxford Dictionary of the Christian Church*, p. 1360.

pathy with the Low Church principles to which influential men like the Macarthurs belonged. His Tractarian doctrines, too, had the effect of placing him, and so the image of the Church of England, more out of step with the independent spirit developing in the colony. For many saw 'Protestant Popery' as more harmful to the cause of religion than Catholicism itself, with the result that Broughton appeared as an obstacle to the progress of his own church.⁴⁸ And Broughton's emphasis on centralised control over his clergy, which came from his Tractarian tendencies, was not in keeping with the radical social forces already working towards responsible self-government. The total effect was, finally, to alienate the Church of England from political and social affairs. Religion became isolated, something to exist in itself. The corollary was not far behind: politics and society as such did not have to be concerned with religion.

Broughton unwittingly increased this tendency to divorce religion from secular affairs. Nominee member of the Legislative Council,⁴⁹ he was, in the eyes of all, the church's living approval of the old system of government and, as late as 1843, he was hailed as the *magnus Apollo* of the Tory and aristocratic party in politics.⁵⁰ His own conservatism gave truth to the charge. When he had, for example, opposed the Irish National System of Education and aroused the ire of those who realised that a general system of education available to all was the only sensible and economic plan, the *Australian* indignantly warned him that he was exercising legislative functions on sufferance. The clergy, it observed, were totally unfit to deal with secular issues as the history of England and Broughton's own political career in the colony had proved. When it saw Broughton stepping out of line the *Australian* minced no words:

The ostentation, pride, and arrogance of the prelacy of the Established Church are well known—but the impertinence evinced by the Bishop of Australia, in his place as a member of the Legislative

⁴⁸ See *SSCA*, 27 May 1839, article, 'Church and State'. *Col Obr*, 22 June 1842, ed. The *Colonist* also coupled the Catholic Church and High Church of England: adherents of both, it observed, possessed the spirit of intolerance. 29 June 1837, 2nd ed.

⁴⁹ Against Bourke's wishes Broughton had insisted on retaining his seat as nominee official on the new Legislative Council. See Bourke to Glenelg, 10 November 1836, in Despatches, A1216, ML, pp. 429-30.

⁵⁰ *Col Obr*, 4 January 1843, ed.

Council, to the Representative of his King, exceeds all that we ever read or heard of.

The debate referred to concerned the vote of £8,000 for the Irish National System of Education. The debate was not published but the *Australian* was sure enough of the facts to quote Broughton's warning to Bourke that, if the Irish educational system were aided by public funds, he, Bourke, would forever be castigated as the instigator of a measure hostile to the Protestant religion.⁵¹ It was the first time that the Bishop of Australia was publicly chastised for striving to fulfil his duty to protect the future of the Church of England. To the *Australian* Broughton had sinned in interfering in a secular matter (for education, too, was moving out of the clerical province)⁵² and in threatening the King's representative with what amounted to a spiritual anathema. More than one newspaper deplored that clergy were concerning themselves with temporal affairs.⁵³ Stubbornly convinced that justice and right were with him, Broughton, with the backing this time of the Catholic Bishop Polding, again successfully defeated a new proposal for an undenominational education scheme made by Bourke's successor, Sir George Gipps, in August of 1839. The church, it seemed, was determined to protect religion from all contagion but in the materialistic world of the new colony⁵⁴ the question was whether a hot-house church would itself survive if it persisted in isolating itself from progress.

Although the two ecclesiastical rivals had been of one mind in defending a denominational system of education in 1839 such agreement was rare.⁵⁵ Broughton's regard for the status of the

⁵¹ 15 August 1837, article, 'The Bishop and the "Irish System" '.

⁵² See *SMH*, 8 August 1836, letter, 'A Looker On', and *ibid.*, supplement, 4 October 1839, ed., and *Australian*, 5 October 1839, ed.

⁵³ *Ibid.*, 10 January 1838, ed. See also *SMH*, 16 June 1836.

⁵⁴ *Australian*, 1 February 1840, ed.: 'There is perhaps, on the wide earth, no place where the god mammon has so firmly fixed his throne as in the town of Sydney and the colony of New South Wales'.

⁵⁵ In the period to 1842 sectarianism meant strife between Protestants as a group and Catholics. Protestants were friendly towards one another and were prepared to acknowledge Anglican leadership when the occasion warranted it. In a letter to Dr Keate, 26 July 1836, Broughton informed him that he had received 'an application from the United body of Protestant Dissenters, requesting me to place myself at their head in expressing our views as Protestants upon the proposed scheme of education', *BP*, MS1731, NL. Discrimination against Catholics, however, led to the publication of the *Australasian Chronicle*: in the first editorial Duncan stated that the paper's purpose was 'To explain and uphold the civil and religious principles of Catholics, and to maintain their rights'. 2 August 1839.

Church of England—he never accepted the equality granted to the other churches—led him into disputes regarding precedence not only in the political world of the Legislative Council but also in the world of religion.⁵⁶ The origin of the latter was apparently simple: Polding wore episcopal insignia at the levee to honour the Queen's birthday in 1837. Broughton immediately wrote to Bourke protesting hotly against Polding wearing his episcopal garments in public. Wondering what the fuss was about, Bourke, who had merely noted that Polding had worn 'a very pretty dress', felt obliged to soothe Broughton and sent for Polding's vicar-general for enlightenment.⁵⁷ The result was that Polding, able to see the issue in proportion or, more possibly, aware that his point had been made, went to future levees in ordinary clerical dress.⁵⁸ This, unhappily, was only one example of the bickering and jealousy, often over what appeared to outsiders to be trivial affairs, among the churches during this period.⁵⁹

Bourke's Church Act had repercussions he had not envisaged. In the minds of the colonists the churches became more closely identified with the government, now the paymaster of their clergy

⁵⁶ When Broughton took his oath of allegiance in the new Legislative Council, 26 June 1838, he insisted that his position as ecclesiastical head entitled him to a seat second only to the chief justice and above that of the officer in command of the troops. After consultation with his attorney-general, Gipps agreed but insisted that, out of the Legislative Council, the officer in command of the troops must take precedence over the chief justice and the bishop. With this Broughton had to be satisfied. See Gipps to Glenelg, 9 July 1838, *HRA* (I), XIV, p. 476 and *VPLC*, 1838, 26 June, 3 and 31 July, p. 33.

⁵⁷ W. B. Ullathorne, *The Autobiography of Archbishop Ullathorne*, p. 156. Bourke replied unsympathetically to Broughton. He trusted that the incident would not be repeated but, 'I cannot however concur with Your Lordship in the inferences you would draw from it'. Holograph letter to Broughton from Bourke, 3 June 1837, Ab29/6b, ML. Broughton's immediate protest (5 June 1837) that he had the right of inquiry was seemingly ignored. Twenty Two Letters, Ab29/6a, ML.

⁵⁸ Gipps was to meet the same problem after the levee on the Queen's birthday in 1839. He forwarded Broughton's complaint to Lord John Russell, Secretary of State for Colonies. On Polding's denial that he had worn the pontifical dress of a Catholic bishop, Russell peremptorily ordered Gipps 'to take no further notice of so frivolous a complaint'. Russell to Gipps, 17 December 1839, *HRA* (I), XX, p. 435.

⁵⁹ Captain Wilkes, Commander of the United States Exploring Expedition, visited Sydney in 1839 and C. Lushington, M.P. quoted Wilkes as saying that 'The system of giving to the clergy an allowance from the Government for their support, is the fertile cause of dissension in the community. Many hard thoughts and harsh expressions are occasionally felt and uttered by one sect against the others, in the contest for the stipend distributed among the several denominations'. *Hansard*, London, cx, 22 Apr'l 1850, p. 658.

who were seen in a confusing dual role of officials of the state and men of God. Moreover, as the material situation of the various churches had altered with the Act, so too had their attitudes, especially towards each other. Where the Church of England, unaccustomed to conceding equality to other denominations, felt itself compelled to stand on the defensive, guarding jealously what was left of former privileges, the other churches participating in state bounty gained in confidence and aggressiveness, demanding complete recognition of their equality with the Church of England. Financially linked with the churches as it was, the government was frequently and reluctantly drawn into what should have been solely church problems and it soon wearied of trying to maintain a neutral course among religious shoals.

2

Denominational Rivalry

Basic to growing denominational rivalries stimulated by the Church Act was a fear that the Church of England would eventually reassert itself as the established church in New South Wales, and, paralleling this, a fear that Catholics would gain a dominance over the other churches. As early as 1836, when Broughton was rallying all Protestant denominations to form a solid bulwark against the introduction of the Irish system of education, the *Australian* had warned that his price might be a recognition of the Church of England as the dominant church in the colony.¹ Newspapers were ever on the alert to puncture the pretensions of the Church of England and the Church Act was the basis of their attacks. Although it was conceded that the Anglicans had enjoyed a legal supremacy over the other denominations before 1836, the Church Act was recognised as having surely and justly annulled it. When Glenelg forwarded a table of precedence, with Broughton third on the list as the 'Lord (!) Bishop of Australia', the *Australian*, seeing in his action an attempt to give the Church of England a position over that of other denominations, forcefully pointed out that this was contrary to the religious equality established by the Church Act.² It is obvious that the editor objected, first, to Glenelg assuming the responsibility of dictating precedence in the colony, and, second, to the aristocratic title given to Broughton which secured him such a high rank in society. Broughton never seems to have escaped an association with the British government's control over the colony and with a privileged class not easily tolerated in colonial society.

In 1839, when Broughton was opposing Gipps's education

¹ 26 July 1836, article, 'The Protestant Association'.

² 19 January 1838, ed.

scheme, he made a bid to regain the control of the church and school lands for the Anglicans. Published details are scanty but the resentment against his attempt to re-establish the Church of England was voluble. By August it was well known that Broughton was agitating behind scenes and was also supporting a petition secretly being circulated to obtain signatures recognising his claims for the church lands.³ The *Herald*, usually staunchly behind Broughton, abruptly dismissed the idea of his success.⁴ The *Australasian Chronicle* wrote of men attempting to overthrow the religious equality established by the Church Act and warned that

it is the duty of our fellow-citizens of every creed, not only to watch the movements of this ambitious prelate [Broughton], but to make known his intrigues to the public, that the colonists generally may be aware of the attempts made to wrest from them their most valuable privileges.⁵

Broughton was therefore effectively deterred from presenting his petition to the Legislative Council as he had originally intended: if he had seriously and openly attempted to assert the claims of the Church of England the colony would have risen, almost to a man, against him.⁶ But the thought of the possibility remained and revealed itself intermittently in succeeding years.

The fear of a possible Catholic ascendancy comprised other elements besides religious. When colonists spoke of Catholics in the 1830s and the 1840s, they were speaking of Irish convicts and their descendants and the poor Irish immigrants. Although a general antagonism towards the Catholic Church had its origin in a fear of Popery and superstition, a belief that an uneducated Irish mob led by clerics could gain political power contributed towards it. An editorial in the *Australian* summed up this belief:

Clamorous for influence which they [Catholics] wish to obtain, they will, if we are silly enough to let them, grow to a great political party, and refuse to us, when the time is ripe, that very equality which they now plausibly demand.⁷

³ See relevant letters and a copy of the abortive petition in Macarthur Papers: Church of England 1839-1909, XCIX, A2995, ML.

⁴ 14 August 1839, ed.

⁵ 6 August 1839, ed.

⁶ *AC*, 19 November 1840, ed.

⁷ 11 January 1842.

This belief, composed of political, social, and religious prejudices, was the ground on which the opposition to Irish migration grew. Complaints about the preponderance of Irish had been fairly constant from 1836, but by 1842 they had reached a crescendo of censure. The *Australian* made a point of ostentatiously welcoming Protestant immigrants and warned of the dangers to Protestant interests arising from the influx of the Irish.⁸ In January 1842 Lang published in the *Colonial Observer* a series of lectures on the dangers of Popery and in an editorial proclaimed that 'the whole colony [is] virtually sold to the Pope and Bishop Polding'. There was reason for such outbursts. Out of a total of 41,979 immigrants during this period, some 24,538 were Protestants and 17,399 were Catholics.⁹ The Catholic Church could be seen as the very embodiment of discord and division.

Generous and kindly especially towards the poorer classes, Polding's personality added another dimension to his church's image but his support of W. A. Duncan aggravated the prevalent attitude towards Catholicism. A migrant from Scotland and a convert from Presbyterianism, Duncan had arrived in Sydney in 1838. Independent, outspoken, often aggressive, he proved for the more timorous Catholics a convert of questionable value, a veritable 'firebrand' as one clergyman put it. Polding had approved the appointment of Duncan as editor of the first Catholic newspaper in August 1839 and from then until 1843 Duncan unconsciously fanned the fires of sectarian jealousy in his very efforts 'to unite, not to dismember' society.¹⁰ His deepest wish was a harmonious society in which Catholics were no longer seen as strangers and enemies. To win for his church the necessary public esteem which would make his ideal a reality, Duncan worked for a full acceptance of the religious equality theoretically established by the Church Act. What he did was to publish accounts of blatant religious intolerance in order to rouse the colonists' sense of justice and this meant for him a concentrated attack on the Church of England.¹¹ Duncan's purpose and his

⁸ 11 January 1842, ed.

⁹ Immigration Returns, 1832-48, in *VPLC*, 1849, I. The number of people belonging to other denominations was 42.

¹⁰ *AC*, 2 August 1839, introductory ed.

¹¹ *Ibid.*, 22 November 1839. Duncan's editorial reports, with facts and figures, that the government favoured the Church of England with grants towards church buildings.

methods involved him in wider issues: he became the spearpoint of the attack against oligarchy and exclusiveness as represented by the Church of England. By emphasising that inequality in any sense was injustice Duncan played down the religious aspect of the struggle as he wanted the support of the liberals and radicals already at odds with the established Anglican clique. In his fearless and sometimes tactless defence of the right of the Irish Catholics to migrate to New South Wales without restriction of numbers, Duncan met the combined forces of Anglicanism and Presbyterianism and it was from June 1840 that his part in stirring religious rancours was no mean one. His defence of the Irish was to negate his work for social unity. His stand for their inherent rights as citizens in a free country necessarily inflamed the susceptible Irish pride and aggressiveness arising from a sense of inferiority so that they became for a time more alien and disruptive than before. As a corollary, Duncan built up in the Irish themselves a measure of independence in thought and a self dignity so that they came to see themselves, as did others, as a democratic force in colonial society. Since the support for immigration of lower classes meant simultaneous opposition to transportation, the Catholics were further identified with radical forces. Irish immigration, seemingly flooding the country just after the passing of the Church Act and attempted introduction of the Irish National System of Education, deepened the already existing atmosphere of hostility, fear, and aggressiveness among the various denominations.

Religious bitterness and strife were not only present between Protestants and Catholics. By the late 1830s the divisions that were to bedevil the Presbyterian denomination had appeared and the ostensible cause was the Church Act. Bourke had admitted to Glenelg that the Act did not legislate for the details inherent in the management of the temporal affairs of the churches; at the request of Broughton he had purposely omitted such regulations so that separate Acts might be passed dealing with these according to the wishes of the different denominations.¹² In the absence of Lang, Rev. J. McGarvie was the senior minister. McGarvie

¹² For Broughton's letter to Bourke, 13 July 1836, see *Twenty Two Letters*, Ab 29/6a, ML. For Bourke's despatch to Glenelg, 14 September 1836, see *Despatches*, A1216, ML, pp. 66-8.

was responsible for the introduction of the bill to regulate the temporal affairs of Presbyterian churches and chapels connected with the Church of Scotland. It was passed on 9 September 1837.¹³ When McGarvie and fellow ministers Rev. J. Cleland, and Rev. J. Allan, officially met for the first time on 2 November, the government gave them, acting as the new Presbytery, the authority to approve the payment of state stipends to ministers belonging to the Presbyterian Church. Within five weeks of this recognition, Lang returned to find his authority had been superseded by the new Presbytery: eight days later, on 11 December, he, together with the ministers whom he had recruited in England, formed a second Presbyterian sect, the Synod of New South Wales. This was serious enough. Worse was to come.

When the Synod presented a petition to the Legislative Council requesting the state aid under the Church Act to which the dissenters felt entitled and which they could not receive unless they sought the authority of the Presbytery, it was presenting to an alarmed government a very thorny dilemma.¹⁴ If the government rejected the petition it would be upholding the claim of the Presbytery to be the only lawfully established Presbyterian Church in New South Wales. Yet if the government granted the petition and gave state aid to the new Synod it would be fostering similar splits in other denominations. In either case, the government would be seen as interfering in religious discipline. When the petition came up for discussion on 31 July, Gipps temporised. He told the Legislative Council that he would authorise the payment of £150 to each of the ministers connected with the Synod. The money, he was careful to point out, would appear on the estimates for 1839 only; it was not connected with the Church Act.¹⁵ For the moment he had neatly side-stepped the problem.

The Attorney-General, J. H. Plunkett, saw the matter as one of justice because the clergy had migrated relying on promised government stipends, so in September Plunkett forced Gipps to face it squarely. He drafted a bill, the object of which was to enable the ministers of the Synod to fulfil their duties and receive stipends until such time as the Church of Scotland decided on

¹³ *VPLC*, 1824-37, 9 September 1837.

¹⁴ *Ibid.*, 24 July 1838.

¹⁵ *Ibid.*, 31 July 1838.

the case. This bill was passed on 20 September.¹⁶ Then when the two divisions united to form the Synod of Australia in 1840—Lang was at this time in the United States—the government drafted yet another Temporalities Act to cover the situation.¹⁷ With the acceptance of state aid, the clergy had become government officers and this presented another difficulty for Gipps:¹⁸ when it was convenient the clergy and the people used this clerical standing as a pretext to attempt to involve the government still further in their disputes. After Rev. J. Allan and Rev. J. Gregor had been dismissed by the Synod of Australia, 'victimized', as their supporters asserted, 'for resisting innovations subversive of the Scottish Church', their congregations presented a petition to the Legislative Council:

as a last resource, the Governor and Council are petitioned for the protection promised to them [the clergy] as nominees of the Government so long as they discharge their duties in a blameless and faithful manner.¹⁹

This time the government made no move.

Well before 1842, then, the grant of state aid had been a magnet drawing the government into the internal affairs of a denomination. This was only the beginning as the financial aspect of the Church Act proved a prolific source of trouble. The amount of the stipend, for example, came under fire. Oddly enough, it was Glenelg in England who was the first official to query the sufficiency of the stipend. He wondered if the 'limited' stipend would 'discourage many [clergy] who might otherwise have been willing to proceed to New South Wales.'²⁰ Bourke had no intention of increasing the amount. Already, he wrote in 1837, the numbers of the Anglican clergy were fully adequate, the Catholic Church daily expected additional clergy, while the Presbyterians (did he write with tongue in cheek?) were 'rather in excess'. Moreover, as his aim was to increase the number of clergy in the colony, to lift the stipend would be unwise as the govern-

¹⁶ For the Act see Cary (ed.) *Statutes*, I, pp. 135-6.

¹⁷ *Ibid.*, pp. 136-8.

¹⁸ In a despatch to Gipps, 17 April 1838, Glenelg refers to the clergy and legislates for them as government officers. *HRA* (I), XIX, p. 388.

¹⁹ See *SMH* supplement, 20 December 1841, where the case of the two Presbyterian ministers is discussed.

²⁰ Glenelg to Bourke, 30 April 1837, Despatches, A1275, ML, p. 446.

ment might find itself in embarrassing financial straits. Bourke fully appreciated the colonists' preoccupation with money: 'it was deemed advisable', he informed Glenelg, 'not to impose on the State any greater burden for the support of each than was absolutely necessary for his decent livelihood'. His hopes, he added, that voluntary subscriptions would be at the clergy's disposal were being fulfilled.²¹

Others also commented on the inadequacy of the stipend in this period. As many mechanics in the colony could earn more than £200 a year, the stipend could scarcely, Judge W. W. Burton complained, afford any 'opportunity to a Gentleman possessing it, of either educating a family, or making provision for sickness, infirmity, old age, or for a widow'.²² Anglican clergy especially felt the need to supplement their state stipends. When Broughton transferred Rev. Robert Forrest to the incumbency of Campbelltown and Narellan, Forrest, finding that he was not provided with a gratuitous parsonage, decided to take six boys as resident pupils to supplement his stipend of £200.²³ This became a prevalent practice among the clergy who had growing families dependent on them but it was frowned upon as the colonists felt either the minister's spiritual or educational duties were bound to suffer. The *Sydney Standard and Colonial Advocate*, regretting the smallness of the state provision, nevertheless idealistically hoped that the clergy would keep the right spiritual outlook even when forced to add to their incomes through secular activities.²⁴ Within six months it was disillusioned: that the clergy as a body were greedy for wealth and too concerned with cares as 'cattle-dealers, farmers, graziers, and wool-growers' were facts too well known to be disputed. In justice, however, the editor laid the blame for such spiritual neglect on the low income derived from their clerical duties.²⁵

Broughton had earlier done his valiant best to help his clergy. In July 1838, the House of Lords received a petition from him in which he bluntly expressed his dissatisfaction with the inade-

²¹ Bourke to Glenelg, 4 November 1837, *HRA* (I), XIX, pp. 148-9.

²² Burton, p. 299.

²³ J. S. Hassall, *In Old Australia*, p. 41.

²⁴ 25 March 1839, article, 'Church and State'.

²⁵ *SSCA*, 23 September 1839, article, 'Protestant Ascendancy in Church and State'.

quate subsidy afforded the Church of England in the colonies. The *Australian* reported the incident from English newspapers and irately declared that already the colony was annually devoting large sums to the Church of England. So indignant was the *Australian* that it scarcely veiled the threat of withdrawal of what was then given:

it would be unwise to place any more of the funds of the colony at the disposal of that church. Already the expenditure, considering our means and population, is enormous, and we groan under the weight of indirect taxation to which we are subjected.²⁶

Even the general agreement on the insufficiency of stipends did not prevent it from being a cause of dissension among the churches. In the Legislative Council an Anglican member remarked that Catholic stipends, since the clergy were celibate, were actually larger than those of Anglicans and Presbyterians.²⁷ No gainsaying this point, so the Catholics asserted that their clergy needed more as, their activities for their flock being greater, their expenses were higher.²⁸ The Presbyterian clergy did not have their eye on the relative value of the stipends but they, too, were out for what they could get from the government. Very soon taught by experience, Bourke was aware of the churches' attitude. He moved quickly when two Presbyterian clergy, Rev. I. Hetherington and Rev. J. Allan, arrived in the colony in 1837, claiming stipends of £200 each on the promise, so they said, of Lord Glenelg. Bourke's despatch to Glenelg is surprisingly firm and unyielding. The clergy, he wrote, must abide by the Church Act; this meant that a congregation of 500 would have to request the services of a minister before a stipend of £200 could be given. He added dryly that he doubted if the two new clergy could form a congregation necessary to secure the lowest government stipend.²⁹ Glenelg replied with a suitably subdued despatch and claimed a misunderstanding: no stipend of £200 had been promised.³⁰

²⁶ 10 December 1839, ed.

²⁷ *SMH*, 2 September 1840, report, LC.

²⁸ A letter from John Bere to H. Macarthur stated that Catholic clergy travelled more frequently to visit their flock and were often charged £1 a night for the care and feeding of their horse. *AC*, 8 September 1840.

²⁹ Bourke to Glenelg, 1 September 1837, Transcripts of Missing Despatches, 1833-8, A1267, ML, pp. 848-50.

³⁰ Glenelg to Gipps (Bourke had already left the colony), 6 February 1838, *HRA* (I), XIX, pp. 263-4.

There had been genuine hope that the Church Act would alleviate the religious dissensions that had been inflamed by the Church and School Lands Corporation. But it soon seemed as if the Act, in encouraging rivalry among the churches in the scramble for state aid,³¹ had intensified religious prejudices and fears. Each denomination was carefully watching the other lest it should be outstripped in the financial game and each seemed to be trying to outdo the other.³² The *Australian* piously deplored that the churches were in large measure responsible for the state of the colony which sometimes resembled a battlefield.³³ It would like to remind every clergyman that charity and meekness were the essence of the gospel and wrangling among them should be unknown.³⁴ The resentment against the clergy largely responsible for sectarian bitterness was deepened by the prevalent desire for a united colony. This desire, of course, was implicit behind all the censure on religious animosities but it was often directly urged. 'No order of priesthood—no sect of ecclesiastics—should be permitted in *civil*, more than in *military* life, to prevent christian brethren from "living together in unity"'.³⁵ Bourke's efforts to achieve unity lay behind his popularity. At the official dinner to commemorate the anniversary of the colony's founding, there was a burst of genuine feeling when Bourke was toasted and it was no accident that the theme of unity underlay the following speeches.³⁶ The *Australasian Chronicle* roundly condemned those who distinguished between emancipists and free men. It refused to recognise 'an emancipist interest . . . we advocate [instead]

³¹ See report of meeting, 28 February 1840, in Minutes of Independent Chapel, Pitt Street, Sydney.

³² One example of this is the issue over the size of the stipend allowed to ecclesiastical dignitaries when absent from the colony. Gipps had believed, from his Downing Street book of instructions relative to leave of absence and payment of salaries, that senior clergy were not to receive any salary during absence. He had so informed Polding when the latter was leaving the colony. But, in England, Polding contacted the secretary of state for colonies and obtained full salary while on leave. Broughton observed that it was 'rather a delicate matter for him to allude to' but, in *his* absence, he had received only half salary. *SMH*, 11 August 1842, report, L.C. Broughton was firmly resolved that if, in the future, he had occasion to leave the colony, he would see that the government paid him his full salary. See his letter to Coleridge, 3 February 1843, BP, G245, NL.

³³ 6 March 1838, 2nd ed.

³⁴ *Australian*, 20 July 1838, ed.

³⁵ *Ibid.*, 2 May 1839, ed.

³⁶ *Ibid.*, 30 January 1837, article, 'United Australians' Dinner'.

the *public* interest . . . and we claim equal rights for all classes of *free men*'.³⁷ Men's interest in unity was general and sincere.

Before 1842, then, the state aid question was being divorced from the Church Act itself. While the basis of the Act, justice and equality towards all denominations, was inviolate, the disadvantageous effects which stemmed from state aid were clear. Besides the protests against the unseemly scramble for government bounty, there were complaints that the lowness of the stipend did not encourage fully qualified clergy to migrate to the colony. Glenelg had foreseen this in 1837 but, by 1839, Sydney was also aware from harsh experience. Forthright as always, Lang spoke bitterly of Presbyterian ministers coming to the colony between 1835 and 1841 who were often men with no prospects in Scotland:

after having run the gauntlet for church-preferment over all Scotland and been beaten in every parish, [they] betake themselves as a last resource to the Antipodes, for the Government salaries that are now so easily to be had there.³⁸

The *Colonist* went further and laid the blame directly on the Church Act:

the primitive simplicity of the Australian Churches has been ruffled by the importation—we trust it may be said, the *accidental* importation—of clerical coxcombs, who, in the plenitude of their ignorance and self-sufficiency, are doing more to rob Protestantism of its glory than all the emissaries of the Romish Propaganda.³⁹

State aid also meant that the government withdrew, at least in theory, from all religious doctrinal controversies. In giving aid indiscriminately to the various denominations the government was acknowledging that it had no right or duty to legislate concerning religious doctrines. The step was one remove from the logical conclusion that, as religion was no business of the government, it should not grant financial aid to it. But, in the early period after the Church Act, emphasis was only being placed on the charge that the government was subsidising religious error, that is, Catholic doctrines. There were, of course, other complaints about

³⁷ 15 August 1840, article, 'Sydney Gazette'.

³⁸ J. D. Lang, *New Zealand in 1839: or Four Letters to the Right Honourable Earl Durham on the Colonization of that Island and on the Present Condition and Prospects of the Native Inhabitants*, p. 100.

³⁹ 3 October 1838, ed.

the principles of state aid as it operated in New South Wales. Accustomed as it was to permanent endowments, the Church of England especially was alarmed at the precariousness of state aid depending on the annual vote of a legislature consisting of men belonging to different denominations.⁴⁰ The Catholics, on the other hand, were aggrieved at the injustice of Broughton receiving £2,000 a year when their ecclesiastical head received only £300.⁴¹ But, when they petitioned for Polding's stipend to be raised to £500, the democratic *Australasian Chronicle* was not sympathetic with the desire for yet more aid: it acidly commented that it would prefer to see the salaries of all clergy struck off the government list.⁴² The Church Act had one other limitation that Broughton was not happy about: it did not consider the poorer parishes. When Broughton wished to erect small wooden chapels in such areas he found that he was unable to secure government aid.

Meanwhile, the expenses of state aid were mounting. Gipps sounded the first pessimistic note in presenting his estimates to the Legislative Council in 1839. He emphasised the expense of the churches and he had his figures ready: the cost of maintaining the clergy and of contributing to church buildings considerably exceeded a third of the actual government expenditure. Gipps said that he believed the time must come when the aid for the clergy would be placed on the same basis as that for church buildings, that is, a pound for pound basis.⁴³ When Lord John Russell became secretary of state for colonies he was even more decisive. Noting the large sums devoted to the churches, he feared that their increasing magnitude would result in their future withdrawal. It was essential, he wrote in the December of 1839, that clergy in Australia

should most distinctly understand that the continuance of their stipends cannot be absolutely guaranteed to them by her Majesty's Government . . . it must clearly be understood that her Majesty's Government could not be responsible for making good the deficiency, beyond the guarantee which existing interest might fairly ask.

⁴⁰ Burton, pp. 298-9.

⁴¹ *AC*, 19 November 1839, letter, 'A Subscriber'.

⁴² 5 May 1840, ed.

⁴³ See financial minute presented by Gipps to LC, *VPLC*, 1839, p. 423.

The *Australasian Chronicle* printed the relevant despatches and correspondence on 11 August 1840. Four weeks before Russell communicated his views, Gipps had urgently written a despatch. As the colonial government had no power to set a limit to state aid, he requested Her Majesty's government not to sanction the migration of further clergy of any denomination. Figures were again forcibly behind him. The estimates for church expenses for 1837 (the first year under the Church Act) had been £19,167.10s. but those for 1840 were £34,066.15s. By the beginning of 1840, Gipps informed Russell, 106 clergy were subsidised by the government.⁴⁴ With the spiralling depression beginning, Gipps was not optimistic in his 1840 financial minute. The cost of the clerical stipends alone was £29,265 without the £11,836.6s.6d. for church buildings.⁴⁵ A new plan was consequently evolved and Gipps was caustic as he gave reasons for and outlined the plan.

The various denominations, indeed, appeared to vie with each other in making their estimates as high as they possibly could; much higher than they required. This year, however, instead of framing the estimates according to the supposed wants as sent in by the various denominations, they had been framed according to the actual expenditure . . . To show, however, how the estimates were swelled unnecessarily, he had merely to mention that the Presbyterians had made their estimate amount to £20,000 for 1843, while the whole expenditure for 1841 was only £4,900; this year the sum of £4,000 had been put down for the Presbyterian church and schools. And this, he thought, exclusive of buildings, would be quite, if not more, than sufficient.⁴⁶

The problems resulting from state aid were thus legion: religious dissensions, government involvement, increasing financial burden of the churches. No wonder that, by 1839, there were advocates of the voluntary system. The *Sydney Standard and Colonial Advocate* had upheld the principle of the voluntary system from its origin. Writing in the *Australasian Chronicle*, on 25 July 1840, Duncan advocated the voluntary system and told Russell to extend his liberal policies further. He wanted the lands which had been set aside for the Church and School Lands Corporation to be sold, the proceeds to be shared equally among the denominations and then

⁴⁴ Gipps to Russell, 1 May 1840, *HRA* (I), XX, p. 605.

⁴⁵ Abstract of Revenue for 1841, *VPLC*, 1842, p. 193.

⁴⁶ *SMH*, 11 August 1842, report; LC.

tell them all [churches] to shift for themselves. You will thus put an end to all further bickerings upon this score, and save yourself and your successors an infinity of annoyance, with which clerical avarice is now filling its Pandora's box to transmit to you.

Lang was also summing up the evils of state aid about this time. State aid had firmly established a powerful Popish hierarchy which would not have otherwise existed. Moreover, he believed that the Anglican laity would not have tolerated Puseyite⁴⁷ clergy had they been without government support. State aid had, as well, encouraged the importation of Presbyterian ministers who had not the best qualifications. Finally, the system had resulted in government interference in what should have been only church concerns and Lang claimed that able colonial financiers were already predicting that state aid in its present mode would not last long: the stipends would have to be reduced to enable the government to bear the costs or they would have to be withdrawn. Duncan supported the plea for the voluntary system to the extent of offering to combine forces with Lang in the struggle to free the churches from the bondage of the state 'provided', he added grimly, 'he abandon his vulgar abuse, especially of the Roman Catholic Church'.⁴⁸

This was viewing state aid from a new angle but the view was to become more common. Although Lang did not accept Duncan's offer he still continued to advocate the voluntary system. Each denomination had to admit, he said, that state aid meant the support of error. Emphasising what was to prove a perennial argument, he claimed that the system was not politically right. There was no justification for the government to support the clergy of four denominations while withholding aid from others. Acknowledging the reasonableness of state aid in 1836, Lang insisted it could not continue on merely financial grounds: 'the country neither *can* nor *will* stand it much longer'.⁴⁹ It was at this time, the beginning of March 1842, that Lang officially withdrew from the Synod of Australia and relinquished his government

⁴⁷ The term 'Puseyism' was 'A contemporary title for the Tractarian movement, generally used in an opprobrious sense, from its leader, E. B. Pusey'. Pusey was the first contributor to the *Tracts for the Times* to append his initials. See Cross, p. 1128.

⁴⁸ *AC*, 20 March 1841, ed.

⁴⁹ *Col Obr*, 2 March 1842, ed.

salary as senior minister of that church. Now living on the voluntary contributions of his congregation, Lang was able to speak out more effectively. In April he gave a series of lectures in the School of Arts in Sydney wherein he sketched the history of the church from the time of Constantine to prove that, when the church is financially backed by the secular government, the church's vitality and fervour are sapped. Because the minister had to canvass names to obtain a state stipend, 'a species of trickery is practised upon the Government' and the sacred office was degraded in the eye of the public. It was unjust and tyrannical of the government to enforce taxes to support denominations with varying doctrines—he who paid the tax was thus forced to aid in the spread of what he considered false religion. The lectures concluded with extravagant praise of the voluntary system.⁵⁰

At the end of the year in which Lang gave his lectures, the population of New South Wales totalled 157,085. Between 20,000 and 26,000 of these were convicts but, with transportation ended, their importance was rapidly declining. The future lay with the unprecedented flow of immigrants within the last few years and which the relatively small population was still struggling to absorb; since 1836, 63,133 had arrived, which meant that over 40 per cent of the 1842 population were immigrants of no more than six years' standing. Besides bringing a new enthusiasm for the good life waiting to be wooed and won in a land of opportunities the immigrants were the material to deepen and to alter subtly economic and political currents already apparent in the colony. One need only refer to the immigration statistics carefully compiled by Francis Merewether: between 1839 and 1842, 5,986 Scottish arrived, 12,237 English, and 23,745 Irish.⁵¹ The presence of these immigrants caused two hitherto antagonistic groups in the colony, the exclusives and the emancipists, to join together in a protective defence of what they now saw as their common heritage against the acquisitive invaders. The immigrants, strengthening an incipient middle class and upper working class, helped to account for the Constitution Act of 1842. And, during the 1843 elections, although the high franchise eliminated all but the well-

⁵⁰ J. D. Lang, *Three Lectures on the Impolicy and Injustice of Religious Establishments or The Granting of Money for the Support of Religion from the Public Treasury in the Australian Colonies.*

⁵¹ VPLC, 1849, Immigration returns, p. 770.

to-do, the background influence of the unfranchised was far from minimal. The election campaign saw the confrontation of the fluid forces of the 1830s with the newer democratic and eventually triumphant 1840 social forces.

The events and the speeches of the campaign mirrored the confusion. Political factors as such were almost ignored. Men canvassed and voted for candidates according to the precise kind of society they represented and this seemed determined by religion, with the consequence that 'Religion and place of birth, which were frequently connected in the minds of the colonists, were the most important causes of controversy'.⁵² Fear of the Irish and therefore of Catholic domination was strong and precisely because the Irish, a minority but increasing at an alarming rate, clamoured most loudly for the abolition of all distinctions and for the maintenance of the Church Act, they were associated with liberalism. The Church of England party, priding itself on its conservatism, was clearly on the defensive. Hannibal Macarthur was one of many to affirm that, although himself an Anglican, he was more than willing 'to hold out the right hand of fellowship to every Christian, and was only the foe of intolerance, of bigotry, of ignorance, of superstition, and of idolatry'.⁵³ But all candidates were basically on the defensive. All asserted pride in their particular religion yet denied that their political views were influenced by any religious prejudice. The reiteration with little if any variation of the earnest pledge 'to obtain and preserve civil and religious liberty' forcibly illustrated the candidates' awareness of prevalent fears and hopes. Some spelt it out more fully. One candidate claimed:

I am for entire religious liberty; and no political distinctions on account of religion; considering the interests of morality and good government as likely to be best promoted by affording all religious denominations a fair field, without favour to any.⁵⁴

Recent converts to this political theory were recognised and did not escape an ironic comment.⁵⁵ With the assertion of religious toleration came its logical complement, the statement that the

⁵² T. H. Irving, *The Development of Liberal Policies in New South Wales, 1843-55*, Ph.D. p. 275.

⁵³ *SMH*, 15 June 1843, article, 'Parramatta Election'.

⁵⁴ *Ibid.*, 5 January 1843, electoral advertisement, A. Lang.

⁵⁵ *Ibid.*, 11 January 1843, thesis letter (Greek pseudonym).

candidate was 'perfectly independent' and not committed or tied to any party or group.⁵⁶ Wanting to prove that they were not the tool of denominational leaders, most Protestant candidates took pains to point out their friendship towards Catholics,⁵⁷ while the Catholic Therry carefully denied that he relied on sectarian support.⁵⁸ That the people wanted an emphasis on equality and a government neutrality in matters of religion comes through clearly, for electoral candidates echo general opinions. Yet old traditions still persisted and the influential aid of the clergy was not despised. In his letter to the electors of Camden, Charles Cowper wrote of his 'revered father', Archdeacon W. Cowper,⁵⁹ and an Anglican minister seconded the motion to propose James Macarthur as candidate for Cumberland.⁶⁰ Some clergy, however, became too zealous and after the elections were derided as '*political parsons and priestly politicians*' and '*the black band*' who incited men to riots,⁶¹ but how far the attack came from disappointed hopes is impossible to gauge.

The general impression gathered of the 1843 elections is one of a situation where men ostensibly in guidance and control of affairs were anticipating social disorder with threats of change and were anxiously on the alert to prevent both. Perhaps it was largely the result of the excitement of the colony's first elections, its coming-of-age, a time when colonists were making the first conscious choice of the pattern of their future. Paradoxes and confusion could well be expected. Sydney's walls, for instance, were placarded with the slogan, 'civil and religious liberty',⁶² yet, as one level-headed and unperturbed man asked:

What necessity is there in this colony for the achievement of civil or religious liberty, seeing that all classes are in the possession of as large a share of each as they can desire? . . . We have not to fight

⁵⁶ *Ibid.*, 18 January 1843, see, e.g., John Panton's electoral letter.

⁵⁷ See, e.g., *ibid.*, 12 January 1843, article, 'Election for Cumberland'.

⁵⁸ *Ibid.*, 17 January 1843, electoral advertisement. Therry later confessed that he had regarded the 1843 elections as 'the battle of freedom', i.e. for the rights of Catholics as citizens to be recognised. Macarthur Papers, XXXIV, A2930, ML, letter to J. Macarthur, 15 September 1851, p. 3.

⁵⁹ *SMH*, 17 January 1843, electoral advertisement.

⁶⁰ *Ibid.*, 12 January 1843, article, 'Election for Cumberland'.

⁶¹ *Ibid.*, 11 June 1843, see letter, 'Anglicanus' reporting a speech made by James Macarthur.

⁶² *Ibid.*, 12 January 1843, Macarthur's electoral speech in article, 'Election for Cumberland'.

any battle of civil or religious liberty, but to enter upon a judicious, practical, but intricate and difficult course of legislation.⁶³

A man like Duncan could profess himself 'thoroughly radical', yet valiantly oppose the strong prejudice against the men associated with the old government. He deplored the dislike for one candidate based on the assumption that because he was an army officer he was 'necessarily a government partizan'. Duncan himself feared the ascendancy of a few wealthy influential men who would rule the country in their own interests: for him government nominees and the candidates standing for the known political world were solid bulwarks against the pressures of candidates such as William Charles Wentworth. But articles like his attack on the 'rank Tory of the old school', Cowper,⁶⁴ were too vigorous to be countenanced by the Vicar-General, Rev. F. Murphy, who dismissed Duncan from his position as editor of the Catholic newspaper. Murphy's action revealed his anxiety about the electric situation and the extent of Duncan's influence over the Catholic laity; it also typified a general uneasiness among the better educated about any attitude lacking moderation.⁶⁵

James Macarthur's campaign, involving as it did religious issues, illustrated the paradoxical aspects of the situation. He decided to stand for Cumberland electorate and to back Therry in Camden. The reasons for his decision showed a sure grasp of the growing importance of both Catholics and the new middle class but he underestimated the depth of the rivalry between the two denominations, Anglican and Catholic. When a radical Irish merchant, H. MacDermott, informed Macarthur that he would oppose him if he stood for Camden, Macarthur approached both Therry and Cowper; frightened lest Therry decide to canvass alone with Irish Catholic support, Macarthur finally favoured him. Cautiously endeavouring to sit on the fence in the controversial issue of race and religion, Macarthur blundered badly. He did not, he said, object to a fair proportion of Irish immigrants but more than this would result in the greatest injury to the Catholics them-

⁶³ Ibid., 16 January 1843, letter, 'F'.

⁶⁴ See AC, January 1843.

⁶⁵ *Australian*, 17 May 1843. The editor urged the election of moderate men, 'men who know and rejoice that the day of class distinctions has for ever gone by, men who feel that the politics of New South Wales have yet to be formed.'

selves for the Irish would bring with them 'all those opinions and prejudices which had led to so much misery and discord in unhappy Ireland'.⁶⁶ This satisfied neither Anglicans nor Catholics; for the latter the touchstone of a candidate's sincerity was complete adherence to the Church Act. When a priest asked Macarthur if he were prepared to support the Act, Macarthur, guarded yet honest, admitted that he believed some modification to it might be necessary in the near future.⁶⁷ And, since Macarthur supported a Catholic candidate in Camden, the Anglicans, especially the clergy, swung their support behind Cowper.⁶⁸ In his attempt to ally with Catholics, Macarthur was ahead of his time and carried only some Low Anglicans with him. Cowper and his 'Church and King' policies⁶⁹ represented the safety and security which seemed threatened by the more democratic measures introduced in the 1842 Constitution Act and the flood of working-class immigrants who were so predominantly Catholic. The *Australian* exerted itself on Macarthur's behalf, pointing out to Catholics that Cowper stood pledged to overthrow the Church Act by which Macarthur had promised to abide and that Macarthur had supported their candidate, Therry, in Camden.⁷⁰ But Cowper won. Yet even he, strongly backed by the Church of England,⁷¹ and obviously eager for its supremacy, acknowledged the weight of Catholic pressure by quickly repudiating the accusation of planning to overthrow the Church Act.⁷²

Wentworth also had to answer the charge that he was opposed to the Act. Too experienced a man not to sense the popular feeling, Wentworth made a genuine denial. He gave, he claimed,

the most positive and unqualified contradiction to this base calumny . . . the Church Act of Sir Richard Bourke shall never be disturbed with my consent, or indeed, without my most strenuous opposition.⁷³

Such accusations against candidates and their immediate denial together with the emphasis on civil and religious equality revealed that, although religious feelings were running high, the

⁶⁶ *SMH*, 12 January 1843, article, 'Election for Cumberland'.

⁶⁷ *AC*, 14 January 1843, ed.

⁶⁸ *Australian*, 3 July 1843, ed.

⁶⁹ *AC*, 7 January 1843, ed.

⁷⁰ 30 June 1843, ed.

⁷¹ *AC*, 28 January 1843, ed.

⁷² *Australian*, 3 July 1843, ed.

⁷³ *AC*, 26 January 1843, article, 'W. C. Wentworth'.

Church Act was in no danger.⁷⁴ The *Australasian Chronicle* could warn that, in the Camden elections especially, 'another struggle is contemplated in behalf of ecclesiastical dominancy',⁷⁵ but the candidates' universal emphasis on religious equality showed that the population as a whole would not have acquiesced in the repeal of the Church Act. The fears aroused by Irish Catholics, moreover, were largely ill-founded: Irish workers were stimulated by material as well as religious desires. As many Irish Catholics voted for Wentworth as for the Irish Captain O'Connell, who lost the elections because Wentworth posed more effectively as the working man's friend, the champion of liberty. This was the slogan that won votes. It was no longer a fight to secure religious and civil equality. Those who were concerned about equality were rallying to defend what they already possessed. Not even tampering with the Church Act was advisable for 'The religious peace and social harmony of New South Wales are too closely bound up with the perfect maintenance of the Church Act'.⁷⁶ During the campaign, the Act was considered only as the grant of religious equality; state aid to the churches was not mentioned. The campaign, however, conclusively proved that religious equality was an accepted and highly prized element in colonial life. It was now possible for state aid to be seen as an issue in itself and, by an unusual coincidence, a new context was provided for it in the electoral year.

Under the Act for the Government of New South Wales and Van Diemen's Land, three schedules had set aside £81,000 for civil, judiciary, and church establishments; £30,000 was provided for public worship.⁷⁷ This separation of the monetary issue from the Church Act made the question of state aid even more controversial and distasteful to the colonists than it had been: now the problem was related to Britain's ultimate power over and apparent exploitation of the colony. In the first debate of the new Legislative Council on the estimate for the churches for 1844 these points were obvious. When the Colonial Secretary, Edward Deas Thomson, moved that £36,022.10s. be appropriated for public

⁷⁴ *SMH*, 4, 5 January 1843, electoral advertisements.

⁷⁵ 28 January 1843, ed.

⁷⁶ *AC*, 28 February 1843, ed.

⁷⁷ *The Statutes of the United Kingdom of Great Britain and Ireland*, 5 & 6 Victoria 1842, LXXXII, pp. 582-97.

worship in the 1844 estimates he provoked reactions which were to persist and develop until 1862. All were unanimous in keeping to the £30,000 limit imposed by Britain because, feeling that the enforced church grant implied a distrust of the colonial legislature's concern for religion, the members experienced a proud unwillingness to tamper in any way with the schedule. Lang presented a variety of arguments based on his desire for the final abolition of state aid. He opposed the grant of £6,022.10s. over the limit of the schedule because it arose from a perversion of the Church Act which had established a maximum stipend for ministers of religion; in the estimate he had noticed, he said, several salaries above this maximum. The late council had rightly acknowledged the power of the secretary of state for colonies to make such exceptions but, under the present Legislative Council, he had not this power. Lang spoke of the colony's 'humiliating and degrading position' resulting from the usurpation of the British government which had professed to bestow free institutions yet forbade the colonists the control of their own money. While the Church Act existed—which he hoped would not be long—Lang would like to see the large sum allotted to it distributed equally, without the executive government having any unjust power to misappropriate funds by the grant of larger stipends than the Church Act stipulated.

Fearful of any amendment to the Church Act, Therry did not want the financial grant separated from it. He urged that the grant should be appropriated on the principle of the Act and not left to the discretion of the executive government; thus the larger stipends condemned by Lang would be continued. Therry agreed with Lang on the desirability of distribution of the grant according to population, and he too believed that a better system than that of the Church Act could be devised but, until this were done, the Act should be strictly adhered to. This, he said, was the wish of the members of his denomination. Cowper, emphatically excluding himself from the admirers of the Church Act, moved that the estimate be confined to the specified £30,000; he was confident that the £12,000 set aside mainly for building purposes would not be fully required. His motion was carried unanimously. Lang had been the only one to object to state aid itself. The others had objected to the interference of the British

government in colonial finances but there was enthusiasm for state aid only so far as it was connected with the Church Act. In Cowper's cautious stand for the *status quo* which represented the attitude of the majority, some saw the attempt to render the Act a dead letter. Therry's insistence on the schedule being distributed on the principle of the Act expressed this fear.

Protesting against both the imposition of the schedules and the large amount set aside for them and over which the Legislative Council had no control, the *Herald* called the schedules 'a foul blot upon our new constitution'.⁷⁸ Less forthright but just as regretful, the *Australian* hoped that, at least, the government would continue, in the case of schedule C, to adhere to the principles of the Church Act.⁷⁹ The resentment over lack of full financial control deepened with the years as the colonial legislature made of it a weapon with which to harass the governor and the British government he represented in its fight to obtain responsible government. On 22 October 1843 the *Herald* approved of the legislature's denunciation of the fixed schedules 'as a nuisance intolerably offensive to free-born and tax-paying Britons' but, seeing the folly of the council using an attack on the finances as a weapon against the British government, bluntly stated that,

if our legislature, by its freaks of ill-humour, so clog the Government with the fetters of a vindictive parsimony as to render it insufficient for this end, we shall have less reason to complain of a tyrannic Executive than of a tyrannic Legislature.

Civil establishments were necessary and, if their just expenditure were crippled, the people would suffer. The *Herald* realised that the colonists objected to the schedules not because of the expense but because their very imposition implied 'a gratuitous distrust of our loyalty, discretion, and public integrity'.⁸⁰

Gipps rightly judged the importance the issue held for the colonists and at once informed Stanley that the general feeling supported the legislature's attitude towards the schedules.⁸¹ Stan-

⁷⁸ 19 January 1843, ed.

⁷⁹ 30 January 1843, ed.

⁸⁰ 23 October 1843, ed.

⁸¹ Gipps to Stanley, 28 October 1843. This despatch refers to schedules A and B, but it is obvious that the colonists objected to all three schedules. *HRA* (I), XXIII, pp. 202-8.

ley was unsympathetic with Gipps who had to bear the brunt of the opposition; it was his duty, he curtly told Gipps, to adhere strictly in letter and in spirit to the Constitution Act.⁸² Britain also forbade colonial manipulation of the schedules. In December of 1843 Wentworth had successfully moved a resolution that the Legislative Council should be permitted to make good any deficiency in one schedule by using the excess of another, and Gipps was asked to forward the resolution to the secretary of state for colonies.⁸³ Stanley's reply was brief. The Queen would not divest herself of her discretionary authority to determine how the excess in any schedule should be appropriated but, till further notice, the Legislative Council might apply such excess as it requested.⁸⁴

So, with unyielding British control over the stipulated financial grant, many colonists came to see state aid as linked with an unwilling political dependence on the mother country; each year the consideration of the estimates was a constant reminder that the colonists still lacked responsible government. At the time of the presentation of the 1845 estimates the conservative *Herald* warned that

the colonists must never relinquish their claim to the administration of the *whole* of their revenues, and never relax their exertions until this claim shall have been fully and permanently admitted by the Imperial Parliament.⁸⁵

The less inhibited *Atlas* announced that the unconstitutional and unbearable 'Monster Grievance' had been designed to keep the colony in fetters in the hope that its remoteness and scattered population might enable the British government to use the annual revenue at its will and pleasure.⁸⁶ Surprisingly, the *Colonial Observer* considered that the first two schedules were just but, not so surprisingly seeing that Lang was the editor, believed that, with regard to schedule C, Stanley 'had greatly exceeded the bounds of propriety and outraged every feeling of honour and manly independence on the part of the Colonists'.⁸⁷ Time only

⁸² Stanley to Gipps, 29 March 1844, *ibid.*, p. 505.

⁸³ *VPLC*, 20 December 1843, p. 241.

⁸⁴ Stanley to Gipps, 30 August 1844, *HRA* (I), XXIII, p. 747.

⁸⁵ 10 August 1844, *ed.*

⁸⁶ 14 December 1844.

⁸⁷ 22 October 1842, *ed.*

strengthened these feelings. Even Therry could speak derogatively of a 'Stipendiary Band'⁸⁸ and Robert Lowe, an ex-protegé of Gipps, could say without contradiction that 'they all wanted to get rid of the schedules—they all felt them to be a badge of disgrace and servitude, unfit for a free people to wear'.⁸⁹ The *Colonial Observer* went so far as to charge Broughton with being the real author of schedule C. It quoted Broughton's speech on the Immigration Report of 1841 in which he had admitted that he intended bringing before the British government 'the propriety of appropriating a portion of the Land Revenue for the support of religion'.⁹⁰ The schedules therefore further associated the churches with the old régime and with dependence on the mother colony and so simultaneously pushed them further out of alignment with the new democratic trends.

The *Atlas* enlarged on Lang's insinuations about Broughton's part in framing the schedules. It printed three articles on the subject. Was the editor, Lowe himself, the author? At any rate, the *Atlas* gave a generous welcome to its correspondent. The provocative caption ran: 'Emancipate the Clergy! Emancipate the People!' The articles were no less startling. The British government, wrote the correspondent, had insisted on schedule C in a deliberate attempt to undermine the independent spirit of the colonists by preparing for

another and still more dangerous species of influence coming into play in this Colony, apparently to take the place of that of the Government which is now so evidently on the wane . . . we mean the *illegitimate* influence of the clergy.

The British aim was to establish an ecclesiastical tyranny which would control all civil affairs because schedule C not only maintained the churches but also ensured the supreme power of the bishops: the clergy were '*creatures* of these Bishops' because they were dependent on them for their state stipends.⁹¹ In the second article he uncovered what he called 'the design of the Traitorous and entire subversion of our Protestant religion'. The Popish tendencies of the bishop and many of the clergy were unfortu-

⁸⁸ *Weekly Register*, 4 November 1843, report, LC.

⁸⁹ *SMH*, 8 July 1847, report, LC.

⁹⁰ 22 October, 1842, ed.

⁹¹ 17 May 1845, article, 'Episcopal Encroachments',

nately well known but the laity, he praised God, remained uncorrupt and still loyal to the Thirty-nine Articles. Tractarianism made of the bishop a demi-god, of the clergy mere puppets of the bishop, and of the laity 'irrational machinery'. The laity had the right to end such a state of affairs since the clergy who were trying to destroy both the Protestant religion and civil and political freedom 'are paid from our public funds'. Broughton and his clergy were misappropriating public funds because the funds given them to maintain genuine Protestantism were spreading 'the rankest Popery' and consolidating '*at our expense and without our consent*, an irresponsible authority, an *imperium in imperio!*'⁹² In the third article the writer came to his main point. He urged the repeal of the Church Act and schedule C; this, he said, would lead to lay power in the Church of England and all ills would then be cured.⁹³ There were murmurs of approval.

By the mid-1840s the majority of colonists in New South Wales fully accepted religious equality but they had come to regard state aid, the means whereby this equality had been largely achieved, as an issue distinct from the Church Act. Associated with the unpopular Constitution Act of 1842, state aid also became an important issue in the colonists' democratic fight for responsible self-government. Moreover, the spirit of democracy was no respecter of spheres. Since taxpayers supported the churches, taxpayers had the right—the duty—of supervising the expenditure of their money. So the laity began to interfere in matters formerly the sole concern of the clergy and, when the leaders of the two autocratic churches, the Church of England and the Catholic Church, steadfastly refused to permit democracy within religious spheres, the laity's resentment created no small problem especially in a period of financial depression.

⁹² *Atlas*, 24 May 1845.

⁹³ *Ibid.*, 31 May 1845.

PART II
Erosion of a Policy
1843-1854

3

Uneasy Involvement

The churches had helped to provide the kindling for the fires of wrath now mounting against them. The government struggle for the control of education had been resumed, this time under the leadership of Robert Lowe. Lowe brought no small measure of talent and enthusiasm to his task. His vocal and passionate belief in the policy of *laissez-faire* had also made him an influential figure in the colonial world from 1843. The aim of the government, as Duncan saw it, was to secure 'a secular education based upon the broad and unquestioned principles of Christian morality; leaving the care of religion, and its dogmas, to its legitimate and already paid teachers'.¹ In June of 1844 a select committee chaired by Lowe was appointed to make a report on education in the colony. Presented in August, the report revealed the parlous state of education which had arisen, so the report claimed, from the denominational character of the majority of schools.² From the evidence of witnesses questioned before the committee two diverging views on education and its purpose emerged. The Anglican and Catholic clergy combined to defend what they believed to be essential to their churches' progress. Both saw support for denominational schools as a duty of the state. Religious differences within the colony were accepted by them as an unchangeable fact, almost as a desirable fact, and on this basis different denominational schools were automatically essential. To the clergy of these churches education without religion was inconceivable. Men lived in this world in a manner to ensure their everlasting citizenship in the next world; therefore education had to

¹ *Weekly Register*, 14 October 1843, ed.

² *VPLC*, 1844, II, no p., report and minutes. Unless otherwise specified all references connected with the committee are from this source.

be directed by religion. Religion was still being viewed as the antidote to crime but such emphasis was more suited to the mid-1830s than to the mid-1840s since, by the latter period, the colony was no longer penal and free people far outnumbered the bond.³

On the side of those favouring a national system of education were the Baptist minister, Rev. J. Saunders, and the Congregationalist minister, Rev. R. Ross. These were against all state financial grants to religion on principle but the other witnesses had more popular reasons for their objection to denominational education aided by the state. Their evidence before the committee revealed a strong desire for a spirit of unity among the colonists. No less obvious was the belief that the clergy were fostering sectarian differences and animosities in the denominational schools. For Duncan the conclusion was that the state, not the churches, should supervise education and that this should be a general system of secular education in order to eliminate the religious differences dividing the people. The old argument that the clergy were the best moral police did not hold for him: he saw ignorance as the father of vice and argued that education was the key to a virtuous life. Duncan argued further that, as ignorance leads to crime, it was the duty of the state which had to punish the criminal to remove the cause of the crime by supervising the education system. There was also, he pointed out, the expense of the denominational schools to be considered. The men who preferred the national system were fully aware, and stated it in no uncertain terms, that the clergy of the two main denominations opposed the suggested system, using all their very considerable influence over the laity to win their point.

The Church of England held its protest meeting on the night of 9 September 1844, and its clergy addressed the meeting, reiterating the old arguments and revealing, too, justification for the assumption that the education question was the church-state one, that is, a question between the clergy and the politicians. The parents were too ignorant and indifferent to educational and religious values to care about the outcome of the problem. There

³ In 1834 there were 25,200 convicts in a population of 66,228, that is, 38 per cent of the people were bond. In 1844 there were 19,175 convicts in a population of 173,377, that is, 11.1 per cent of the people were bond. C. M. H. Clark, *Select Documents in Australian History, 1788-1850*, pp. 405-6.

was certainly no popular clamour for education in any form: the institutional church and state were on the battleground alone and both saw the issue as deciding the supremacy of one or the other in New South Wales. The Anglican clergy refused to acknowledge an education without a definite religion permeating it. But, when a clergyman asserted that mere secular instruction would not prevent crime, he was giving an argument in which the state was no longer interested. The state was now arguing along Duncan's lines. Polding, at the Catholic meeting held in St Mary's on the same evening, took another aspect. Parents possessed the ultimate right to educate their children as they saw fit and the state could not interfere and legislate a particular system. He, too, was arguing against reality: the majority of children would not receive an education if they depended on the exertions of their parents.⁴

Although the Legislative Council voted by a majority of one to adopt a national system of education,⁵ the churches won their pyrrhic victory. Gipps was not prepared to advance the national system with such a slight majority in the face of vocal and influential clerical opposition. And the opposition was loudly vocal. 'The "drum ecclesiastic"', remarked the *Colonial Observer* bitterly, 'has never been beaten with such force in this Colony as it is at the moment' and the underlying motive for the clerical opposition to the national system of education 'may unquestionably be arranged under the three heads of Power, Pelf, and Proselytism'.⁶ The opposition was grounded in deeply seated religious prejudices, barriers to progress, that would finally have to succumb before the pressing needs and benefit of the people. Religion, it was commented, was the only obstacle to a system of education which alone could cater efficiently for all.⁷ Other comments went further. The petitions against the introduction of the national system presented to the Legislative Council by the Church of England and the Catholic Church should be regarded as petitions of the respective clergy; the majority of the laity

⁴ See *SMH*, 10 September 1844, for reports of Anglican and Catholic meetings.

⁵ *Ibid.*, 11 October 1844, report, LC.

⁶ 12 September 1844, ed.

⁷ *Star*, 31 August 1844, article, 'Education'.

favoured the national system of education.⁸ To get the signatures for their petitions the clergy 'have abused their influence over the popular will to drown discussion in beastly noise'. There was no subtlety in the insinuation that the churches were alien to and could not thrive in a democracy. With a national system of education, the clergy, 'thus losing all control over the people in political issues, would no longer be able to abuse their sacred influence controlling public assemblies'. National education was seen as the means of releasing the people and politics from retrogressive clerical control.⁹ Duncan who was responsible for these statements was not alone in his opinions. A reporter for the *Star* attended the Anglican meeting of early September and spoke of the petition it drafted as one 'couched in the old Tory tenets of exclusiveness, and containing all the antique dogmas of our forefathers, prevalent in the days when good Queen Bess burnt heretics'.¹⁰

In the governor's decision to override the vote of the Legislative Council, the majority of whom were elected and so represented the people, the *Atlas* saw the triumph of the old European traditions over the demands of a new country, and it too agreed that the clergy's battle for control over denominational education was a battle for temporal power. The *Atlas* warned that an education system run by a clergy under the absolute control of bishops

is utterly incompatible with the harmonious working of free institutions . . . If we are to be a great, a happy, and a truly religious community, the clergy must be kept in their proper position—as the religious teachers, and not as the temporal tyrants, of their fellow men.¹¹

The subordination of the rank and file clergy to their superiors, the *Atlas* righteously maintained, was highly dangerous to public liberty as a whole,¹² and it would continue while the clergy were bound to their bishops through state stipends:¹³ let the clergy only be released from their bondage and many would be found supporting the national system of education.

⁸ *Weekly Register*, 14 September 1844, ed.

⁹ *Ibid.*, 7 September 1844, ed.

¹⁰ 7 September 1844, article, 'Sydney Education Meetings'.

¹¹ 6 December 1845, ed.

¹² 6 June 1846, article, 'Episcopal Tyranny'.

¹³ 29 August 1846, article, 'The New Bishops'.

State aid was thus seen as basically responsible for the churches' successful opposition to an education system voted for by a Legislative Council and which was recognised by prominent laymen as the only practical solution for a problem on which hinged the future social and political prosperity of the colony. The success was only temporary. In his opening address to the Legislative Council in March 1848, Governor Sir Charles FitzRoy announced that he had appointed two Boards, one to superintend the denominational system of education and the other to superintend the schools to be established on Lord Stanley's National System. Although the state was prepared to tolerate and assist denominational schools, it had definitely and finally cut itself off from an educational dependency on the churches and from an acceptance of what the clerical hierarchy believed education should be. Henceforth the growing emphasis was to lie with state schools. Broughton's leadership had been responsible for the rejection of earlier attempts to establish a national system of education;¹⁴ his failure to lead in the 1847-8 period was largely the reason for the state's successful decision. And Broughton could not lead because of financial problems. The Church Act, with its pound for pound building subsidy, had enticed him into such an extravagant building spree that the depression years found and left him with sixteen unfinished churches. Gipps, that annual budget worrier, was not prepared to help; indeed, schedule C, conveniently for him, now limited state aid. Simultaneously with this unexpected limitation of state aid, the Society for Propagation of the Gospel informed Broughton in late 1845 that the Church of England in New South Wales could no longer rely on its hitherto generous financial aid. Faced also with the realisation that future clergy, unable to obtain state stipends, would have to depend on voluntary contributions,¹⁵ Broughton could not have fought the legislature's education decision.

Ironically, state aid had therefore been a major reason for

¹⁴ *Atlas*, 22 August 1846, commented in verse:

Then Australia's Bishop spoke,
Words of wile and threats of smoke;
Education must be dumb,
Ignorance shall beat her drum.

¹⁵ *Australian*, 10 July 1847, report of Anglican meeting, statement by Charles Lowe.

Broughton sustaining a defeat in his exertions to establish the Church of England in the colony in exactly the same way as it fitted into the English framework. For the Catholic Church it was not such an obviously serious defeat. After all, the Catholics could hardly have expected to dominate the colonial world as Broughton wished the Anglicans to do. But, during the contest over education systems in 1844, both churches, the two leading Christian institutions, had put on record their united protest against a system which a Legislative Council had adopted in the hope of creating a harmonious and virtuous community. That the churches' ability to defeat the wishes of the largely democratic political body was seen to rest on the autocratic powers of bishops sustained by state aid was not surprising. It was, however, unfortunate for religion. The churches appeared to be, and were, deliberately placing themselves outside the popular pattern for a future Australia.¹⁶

The churches were doing more than opposing the colonial government; they were creating financial problems in the solution of which the frustrated Gipps found himself spending more and more time and energy. In his 1842 Report accompanying the Blue Book to England, Gipps informed Stanley that 94 out of 109 clergy were receiving state stipends.¹⁷ In 1843 the state-paid clergy numbered 103; in 1844, 104.¹⁸ Although Broughton had insisted that, while the Church Act was in force, no government could withhold state aid from any clergyman legitimately requesting it,¹⁹ the 1842 Constitution Act with its schedule C limiting state aid to £30,000 was the British government's tacit denial of his claim. When the newly elected Legislative Council refused to vote the 1844 estimate of £36,022.10s. for the churches, the problem of the mode of distribution had obviously arrived. Gipps was sufficiently concerned to commission his Colonial Secretary,

¹⁶ See comments in *Col Obr*, 12 September 1844, ed. and *Atlas*, 6 March 1847, article, 'The Bishop's Petition': 'the most formidable combinations against human peoples and human happiness have been combinations of the clergy'.

¹⁷ Out of 48 Anglican ministers, 45 received state stipends; 18 out of 22 Presbyterian ministers; 7 out of 8 Wesleyan ministers; all Catholic ministers, 24, received state stipends. Baptist ministers, 7, did not accept state stipends. *HRA* (I), XXII, p. 425.

¹⁸ Report accompanying the Blue Book for year ending 31 December 1844, *ibid.*, XXIV, p. 337.

¹⁹ Broughton to Russell, 5 April 1840, *ibid.*, XX, pp. 813-14.

Deas Thomson, to write to the heads of the four denominations receiving state aid. Deas Thomson presented the case clearly. Only £30,000 was available for the churches. Because the estimated stipends for 1844 totalled £23,772.10s. where in 1842 they had been £20,865.11s.4d., the government could only allow £6,227.10s. for building grants. As the building grant in 1842 had been £9,815.5s.5d., Gipps, having no instructions from the secretary of state on how to act when estimates for public worship exceeded £30,000, had decided that, until he did get instructions from England, no additional applications for salaries or aid in buildings would be considered.²⁰

Polding saw in this the virtual suspension of the Church Act and an opportunity to air a grievance about its operation. He summoned a public meeting of Catholics at St Mary's on 1 January 1844. For no party reasons, he assured his flock, had he called them together: his aim was the preservation of that religious equality established in 1836. Moreover, if the Catholics were forced to wait some eight or nine months for the secretary of state's decision on the issue, the money they already had for the building of five churches would remain in the bank, thus preventing—Polding was not one to withhold an ace—employment at a time when so many workers were seeking it. The meeting enthusiastically endorsed the resolution that the government funds should be distributed according to the numerical proportion of the denominations: this was 'founded in natural justice which dictates "to give every man his due"'. The fourth resolution requested such part of the surplus of £6,227.10s. as the Catholics could claim according to their numbers, that is, £3,092.13s.1d.²¹

²⁰ *SMH*, 2 January 1844. Deas Thomson's letter was published in report of Catholic meeting.

²¹ Carefully compiled statistics went into the fourth resolution: 'That, according to the last Census of 1841, the population of the Colony amounts to 130,856. Of these 125,806 claim and receive aid under the Church Act, consisting of 73,727 Church of England, 35,690 Catholics, 13,153 Presbyterians, 3,286 Wesleyans, that, £30,000 being allocated by Act of Parliament for Public Worship, the Estimates presented by His Excellency for 1844 are:

Church of England	£14,022. 10. 0
Presbyterians	3,500. 0. 0
Wesleyans	1,250. 0. 0
Catholics	5,000. 0. 0
	<hr/>
	£23,772. 10. 0

Before the meeting concluded a senior Irish priest, Rev. John McEncroe, spoke. Actively identified as their leader and champion, McEncroe carried great influence among the Irish Catholics. He emphasised that they were not pleading for favours:

the Government was indebted to them a hundred-fold, as well as for the improvement which they [the clergy] were the means of effecting in the moral tone of society, as for the actual expense which was saved by the conversion of men who would otherwise, at the cost of the Government, and the ruin of society, be the inmates of gaols and watchhouses.

It was significant that the apology, for so it reads, was felt to be necessary. Then a deputation carrying the meeting's resolutions waited on the governor.²²

While these events were taking place, Broughton was absent from Sydney on his rounds in the interior. He arrived back to hear the full details of the Catholic meeting and the resolutions. One gets the impression that he was taken unawares. He would not, Broughton told Gipps, summon a counter Anglican meeting 'because the spectacle of different branches of the Church engaging in a public controversy upon such a question would be very unseemly', but he would state strongly that prominent Anglicans felt that the Catholic proposed mode of financial distribution, although advantageous to them, would be injurious to the interests of the Church of England. He himself, however, would make no suggestions: he would prefer Her Majesty's government to provide the solution.

Faced with the rivalry of the two main denominations, Gipps favoured Broughton's attitude. The Catholic proposal, he wrote to Stanley echoing Broughton's assertion, was not in accordance with the spirit of the Church Act. What he suggested was making permanent the superior salaries given before the Act (this affected

leaving a surplus of £6,227.10.0; and whereas the just and equitable distribution, if founded in numerical proportion, should be:—

For the Church of England	£17,581. 2. 4
Presbyterians	3,136. 9. 11
Wesleyans	771. 13. 3
Catholics	8,510. 14. 4

£29,999. 19. 10

For this summary of the fourth resolution passed by the meeting see Polding to Gipps, 11 January 1844, *HRA* (I), XXIII, pp. 350-1.

²² *SMH*, 2 January 1844, report of meeting.

one Catholic and eleven Anglican ministers), giving two-thirds or three-quarters of what would be given to Protestant clergy to the celibate Catholic clergy, and distributing the funds to each of the four denominations in accordance with the grants of 1843 or with the average of the grants given in the past eight years. With his despatch Gipps forwarded Polding's letter containing the relevant resolutions of the Catholics and Broughton's protestation. Although he tactfully supported Gipps's idea of *uti possiditis*, Stanley declined to adjudicate and dwelt at length on the underlying legal issue. Plunkett had told him verbally, Stanley wrote, that the Church Act was an indefinite Appropriation Act.²³ He also enclosed a memorandum written by Plunkett in October of 1842 which provided a loophole for such an emergency as they were now in:

It will appear that the Governor can only issue monies under 7W.4 No. 3, *with the advice of the Executive Council*. There may not therefore be as much difficulty in rendering the Act inoperative, as I at first imagined. The *advice of the Executive Council* is the hinge on which the whole turns.²⁴

In June of 1845 Gipps held an important meeting of his executive council to discuss the mode of distribution. They decided that distribution of state aid would be according to the relative numbers of the denominations as in the 1841 census and that this decision would be final. An anxiety to avoid a recurrence of the problem was evident. The grant to each denomination thus determined was to be divided into two parts: five-sixths was for stipends, one-sixth for church buildings. Since Presbyterians and Wesleyans had been given more than their rightful share and it would be unwise to reduce their number of stipends, their building grant would have to be reduced until the stipends naturally dropped through vacancies occurring.²⁵ Ignoring Broughton's despairing objections, Gipps informed Stanley of his council's decisions and added the suggestion that any money unexpended by a denomination should be reserved for that particular denomination's use in succeeding years. This he had been doing. His

²³ For despatches see *HRA* (I), XXIII, pp. 346-52, 733.

²⁴ Plunkett's memorandum, 8 October 1842, *ibid.*, pp. 734-5.

²⁵ Extract from minute no. 12 of executive council, 9 June 1845. State Aid to Religion, 1833-63, I, 4778.2, NSWA, ML.

fears of January 1844 that the churches would demand more than he could give them had been groundless. In the economic circumstances the people had frequently been unable to raise the necessary voluntary funds before an equivalent government grant could be given for church buildings.

The problems arising from state aid continued to increase to what must have been the utter weariness of the men who had to cope with them and to try to keep the inter-church relations on a fairly even keel. Soon after the 1846 census returns the Wesleyans, who had lost considerably under the new financial arrangement, entered the arena by memorialising Gipps. Due to a misunderstanding, so the Moderator, W. B. Boyce, claimed, many Wesleyans had returned themselves as Protestants in the 1841 census. Classified as belonging to the Church of England, they had augmented that church's financial grant and annually cost the Wesleyans £378.6s.9d. Boyce begged for a reconsideration of the mode of distribution for justice to be fulfilled: according to the 1841 census the Wesleyans numbered 3,236 while in the 1846 census the recorded figure was 7,935. So he asked for the distribution to be based on the last census, otherwise—and he touched on that debatable point whether schedule C of the Constitution Act automatically annulled the Church Act—the Wesleyans would be deprived of a financial sum '*granted originally under the provisions of an Act [Church], which is yet unrepealed*'. FitzRoy, who had inherited the problem from Gipps, forwarded the memorial in his despatch of February 1847, and commented dubiously about the legitimacy of Boyce's claim. He believed that Boyce had made no allowance for the influx of immigrants in the intervening years, immigrants who would have also altered the numbers of other denominations. Although favouring an equitable distribution of state aid, a principle to which he acknowledged the colonists attached great importance, FitzRoy feared the difficulties which would arise from constant changes in the proportion of finances given.²⁶ Lord Grey, Secretary of State for Colonies, temporised: the matter would inevitably come under discussion when the proposed division of the colony was debated. Until that time, he suggested that the Legislative Council should make an additional grant from the general revenue to the Wes-

²⁶ For despatches see *HRA* (I), XXV, pp. 377-83.

leyans equal to the loss they sustained in the new arrangements.

While gratefully recognising FitzRoy's acquiescence with Grey's suggestion, Boyce decided to wait until the division of the colony and then press his claim: 'we are willing', he wrote, to the relief of FitzRoy, 'to suffer the loss of a few hundreds annually rather than disturb the religious peace of the Colony'. FitzRoy must have been amazed at such an expression of evangelical poverty. It was the first time a colonial church had not only withdrawn a just claim for state aid but had also deliberately sacrificed material gain to reduce church rivalry within the colony. Grey, at any rate, expressed the satisfaction 'with which I have perused a communication which is alike creditable to himself [Boyce] and to the Church with which he is connected'.²⁷ The Wesleyans had not drawn blood in the combat but they retired amidst unwonted applause. Their action had unexpectedly and effectively underscored the jealous scramble of Anglicans and Catholics for state aid.

While the other three state-supported churches hotly debated about just proportions of government bounty, the Presbyterians were preoccupied with other problems. Lang's rapport with the Synod of Australia had been brief and state aid was a basic cause of the final break. From his pulpit on 6 February 1842, Lang announced his disagreement with the Synod. He earnestly harangued his congregation on the evils of a state aid that supported error as well as truth. For himself, he concluded, 'I cannot continue to eat the Queen's bread as a minister of religion in this Colony any longer'. On 1 March, Lang, writing to McGarvie, Moderator of the Presbytery of Sydney, officially renounced, on his own and his congregation's behalf, all connection with the Synod. He took care to add that his congregation were firmly resolved 'to maintain their exclusive right to the church and property therewith connected'.²⁸

With these words the government once more became entangled with the internal discipline of the Presbyterian Church because, when Lang and his congregation refused to acknowledge the Synod's right to ownership of Scots Church, they contravened

²⁷ For despatches see *ibid.*, XXVI, pp. 3-4, 539, 773.

²⁸ Lang's letter was entered into the report of the meeting, 1 March 1842, Minute Book of the Presbytery of Sydney, PHRL, p. 39.

the Presbyterian Temporalities Acts of 1837 and 1839. Wary and weary from previous experience in church problems the members of the legislature did not commit themselves. They refused to support Lang's efforts to alter or to repeal the two Presbyterian Temporalities Acts and they refused to pass the Synod's motion requesting copies of title deeds of Presbyterian church buildings.²⁹ Lowe neatly expressed the opinion of the council when he said that the whole affair

was in itself a very delicate and ticklish question to be debated upon by a secular authority, incompetent as they must be to form any correct judgment upon matters of Church discipline.

So the council declined to intervene in the Presbyterian split even though the Presbyterian Temporalities Act technically entitled them to do this. Significantly, too, it gave the excuse that, being a secular authority, it was incompetent to judge on religious issues involving church discipline.³⁰

The retention of state aid caused a third splinter group in 1846 when two Presbyterian ministers protested against the Synod's explicit connection with the Established Church of Scotland; they stated that this was the 'surrender of the liberties of the Colonial Presbyterian Church' and gave 'the Synod a new and erastian constitution'.³¹ The group, the Synod of Eastern Australia, approved state aid to the one true church—itsself—but did not seek financial assistance from a government supporting Popish error as well as Protestant truth. The new Synod adopted the plan of a common central fund from which the ministers received equal allowances. In theory an excellent plan, in practice difficulties arose that helped to prove Bourke's wisdom in passing the Church Act. By July of 1847 the emphasis of the dissidents had moved from the upholding of truth to the collecting of money. From their own experiences they could lament that 'the public, however plied with the right motives, will not contribute the amount required'.³² Not only had the internal problems of the Presbyterians

²⁹ See *SMH*, 11 October 1843, report, LC; 6 June 1844, report, LC.

³⁰ *Ibid.*, 28 June 1844, report, LC.

³¹ *Ibid.*, 15 October 1846, report, annual meeting of Synod of Australia. For a detailed account of this schism see W. McIntyre, *Narrative of The Disruption of the Presbyterian Church in New South Wales*, pp. 21-56.

³² *Voice in the Wilderness*, 1 July 1847, article, 'Religion, Charity, and Fancy Bazaars'.

caused the government to draw a more definite line between church and state, but they also proved that the voluntary system was as yet largely impracticable for all colonial churches.

Difficult as it was to remain neutral and impartial when church affairs were thrust upon the members for adjudication, the Legislative Council found it another matter when in 1843 it became involved in a religious issue affecting itself as a political body. Lang threw 'the apple of "religious discord" on the council floor'³³ in moving that public prayer should be offered daily at the opening of the Legislative Council. The action was so worded that a refusal to pass it could be interpreted as a denial of the Christianity of the government and a rejection of British traditions. Therry immediately shifted this interpretative emphasis. 'The question involved', he remarked, 'was the most suitable mode of testifying their reverence for religion' and he did not think that prayers before the Legislative Council would most suitably testify to its Christianity. Let the members attend a church, 'the proper place of prayer', if they so desired but when they met in the council 'they met there for legislative and not for religious purposes'. Plunkett agreed. The Catholics, possibly because they had so recently won their recognition, always preferred to keep religious matters distinct from the political; in this way they, too, had a share in the weakening of the bonds between church and state. Wentworth and others opposed Lang's motion because 'an insurmountable difficulty would arise from the form of Prayer' to be adopted. They saw the evils of heated religious discussions as worse than the good effected by the prayer. The motion fell by a vote of 19 to 11.³⁴ While regretting that the wording of the motion had almost inevitably provoked a discussion on religious equality, the *Herald* censured the council's rejection.³⁵ The *Australasian Chronicle*, on the other hand, applauded for it feared lest the motion, if accepted, would reopen the question of an established church, 'a question that would most likely shake the order and peace of the colony to its centre'.³⁶

³³ *AC*, 12 August 1843, article, 'Chaplain to the Legislative Council'.

³⁴ *SMH*, 11 August 1843, report, LC.

³⁵ 12 August 1843, ed.

³⁶ 12 August 1843, article, 'Chaplain to the Legislative Council'.

At the beginning of the next session in 1844 Cowper deliberately renewed the debate. Frankly relying on the Anglican majority in the council,³⁷ he asked for a clergyman of the Church of England to be permanently assigned the privilege of offering a daily prayer before the council opened. The debate was decidedly warm. J. P. Robinson, Quaker in religion and wealthy banker and landowner, denied the right of any majority to bind him in spiritual matters—if the motion were carried, he would absent himself from prayer. He objected to all but extempore prayers and, a strong voluntarist, he objected too, to the prayers of any state-aided minister. Lang opposed the permanent appointment of an Anglican minister: the Church Act, and Lang meant its recognition of religious equality for all, must not be violated. Most of the members refused to be drawn into this, the basic issue. The opposition concentrated on two defences: emphasising the example of carelessness and disrespect shown during prayer before the legislature in Britain and the United States, they held that religion would be venerated more by not allowing the prayer; their second main point upheld the freedom of the individual conscience. In the heat of the discussion one member lost all caution. He contended that

Sir Richard Bourke's Act had by no means destroyed that intimate connection between the Church and State which must follow every British subject into whatever portion of the globe under the British dominion he might go.

After that blatant assertion of Anglican dominancy not even Cowper's outburst that God would forsake the colonists if they withheld honour due to Him failed to shake the council's negative decision.³⁸

These debates revealed the colonial government's general reluctance to enter upon any discussion touching religious issues and the heated debates also revealed the reason for the reluctance. It was an emotional topic involving racial and religious antipathies nurtured through centuries of misunderstandings and oppression mainly between England and Ireland. Official acknowledgment

³⁷ *SMH*, 30 May 1844, report, L.C. Cowper alleged that at least five-sixths of the council were Anglicans.

³⁸ The vote was 14:8 against the motion. *SMH*, 30 May 1844, report, L.C. Cowper renewed the proposal in 1844 but it was again defeated.

of religious equality was still too new to be accepted without conservative zealots tilting against it and without a somewhat aggressive over-sensitive defence on the part of those whose rights were still not socially secure. On no other issue were the politicians so divided and the Legislative Council as a body was convinced that religious discussions had best be avoided wherever possible to ensure harmonious working of an untried part-democratic system.

4

Problems of Inequality

During the early 1840s, the period of financial stress with workers flocking from the interior to glut the labour market in Sydney, the Legislative Council became more interested in land distribution as a natural solution to the unemployment problem. The report of a select committee on distressed labourers noted the reluctance of even the unemployed to venture into the interior,¹ while another committee in August of 1844 reported its conviction that the high minimum price of land was a major cause of the cessation of land sales.² With popular interest in land affairs, it was hardly a coincidence that, within a fortnight of the latter committee being appointed, Cowper moved for returns of the church and school estates to show their distribution and their rental: the total acreage granted to the Church and School Lands Corporation had been just over 448,265 acres and the revenue from the rented lands for 1844, £4,131.0s.³

The rental of these lands had gone into the general revenue but in 1845 Gipps expressed a doubt about this custom. Now that the British parliament had made a distinct provision for the purposes of public worship he was not prepared to say how the case might be altered. At the same time, he forwarded to Stanley the recommendation of his executive council that five-sevenths of the church and school lands revenue should be divided among the churches, with the remaining two-sevenths to be given to the denominational schools.⁴ Stanley, as usual with colonial financial concerns, preferred to temporise. FitzRoy wrote in 1848 to Stan-

¹ *VPLC*, 1844, II, no p.

² Report from select committee on Crown Land Grievances, printed 20 August 1844, *ibid.*

³ Cowper moved the motion on 14 June and returns were presented on 19 June, see *ibid.*, I, pp. 39, 41.

⁴ Gipps to Stanley, 7 August 1845, *HRA* (I), XXIV, p. 443.

ley's successor, Grey, complaining that no reply to Gipps's query concerning the disposal of church and school lands revenue had been received. Emphasising the inadequacy of the provision made by the British parliament for public worship in the colony, he made it clear that the question of the appropriation of the revenue was 'one of pressing importance'. After a vague reply from Grey, FitzRoy persisted in demanding a satisfactory answer and Grey finally gave definite approval that Gipps's suggestion should be carried out.⁵ With the Australian Colonies Government Act of 1850 to complicate colonial affairs, it was not until 1851 that five-sevenths of the revenue from the church and school lands was transferred for church purposes to schedule A, part 3, the substitution for schedule C in the 1850 Act.⁶ These lands, with the major part of their revenue now going to the churches, were to become a factor in a popular notion of the churches as conservative and wealthy institutions and therefore obstacles to the prosperity of the colony.

A portion of the revenue from the church and school lands, however, had already been appropriated for Anglican Church purposes. By 1845 Broughton was planning for his large see to be divided into three bishoprics. His problem in the straightened colonial circumstances was to secure a satisfactory financial arrangement. He voluntarily offered one-half of his own stipend, £1,000, to aid in the endorsement of the two other sees but Gipps, while approving Broughton's generosity, believed it unwise for the bishop's stipend to be so drastically lowered.⁷ Authorisation for the formation of the three sees and the decision of the bishops' financial support arrived in the colony in September of 1846: Broughton's stipend was lowered to £1,500 and only £500 was then required from schedule C but the schedule was unable to bear even this extra burden. When it was realised that the stipend fund could not carry the additional charge, FitzRoy and his executive council determined to reduce the building fund by the required £500.⁸ With the decease of clergy enjoying the higher

⁵ For despatches see Great Britain: Parliamentary Papers, Ecclesiastical Affairs of the Colony, Part III, N.S.W. bound papers, pp. 21-4.

⁶ £18,247.18s.11d. was the amount transferred. See Abstract of Revenue, VPLC, 1852, I, no. p. The term schedule 'c' continued to be used.

⁷ Gipps to Stanley, 7 August 1845, HRA (I), XXIV, p. 444.

⁸ The Anglican portion of the £30,000, as were the others, was divided into two parts, five-sixths for stipends and one-sixth for building purposes.

stipends assigned before 1836, the stipend fund would be able to supply the needs of the bishops.⁹ This meant that schedule C was unable to provide funds for erection of the bishops' residences. FitzRoy and his council therefore recommended that £6,000 be taken for this purpose from church and school lands revenue. Grey approved in 1848.¹⁰ The whole affair showed not only the problem created by the limit imposed on state aid for public worship but also the extent to which both the colonial and the imperial governments were forced to interest themselves in the financial concerns of the churches.

In 1846 the concern of the government over finance and a growing interest in how the churches applied their state aid led to a request for specific details;¹¹ the inquiry without doubt was also stimulated by church wrangling to secure the maximum from state coffers. Prefacing his motion with the usual encomium for the Church Act, Henry Dangar, surveyor and pastoralist, deplored the legal inability of the government to dispossess a minister of his stipend when it happened that his congregation, through the natural movement of the population or because of a schism within a church, fell below the number required by the Church Act for a state stipend. Lang did not let the opportunity slip. His reasons for the withdrawal of the Church Act explained the growing hostility against it: the imperial government had appropriated £30,000 of the colonists' money for church support without the consent of the colonists; he knew of many instances where clergy, forsaken by their original congregation, were unlawfully receiving state stipends; finally, he strongly objected to the fact that the ecclesiastical superior of each denomination, not the people, gave the annual imprimatur which the government demanded before issuing the stipends.

Lowe agreed with Dangar and Lang that ecclesiastical superiors, especially bishops, possessed too much, and the government not enough, power over state-aided clergy but the colonial secretary

⁹ Broughton was installed as Metropolitan on 26 January 1848; Rev. W. Tyrrell as Lord Bishop of Newcastle on 31 January 1848; and Rev. C. Perry as Lord Bishop of Melbourne on 13 February 1848. See despatch, FitzRoy to Grey, 28 March 1848, *ibid.*, XXVI, pp. 300-1.

¹⁰ See *ibid.*, pp. 310-12, 619.

¹¹ As early as 1842 James Macarthur had requested returns concerning stipendiary clergy. He wanted details of stations, names, salaries, and allowances for contingencies. See *VPLC*, 1842, 9 August, p. 49.

upheld the provision of the Church Act. He had no wish, Deas Thomson firmly stated, to give the government a supervisory power in matters of ecclesiastical discipline; it would be unwise, and injurious to the government and to the churches.¹² The returns to the address by Dangar were presented in September. One fact in particular must have impressed the council. Out of the £13,820 allotted to the Church of England for stipends, £5,370 was divided among fourteen clergy while forty-six clergy shared the remaining £8,450. The fourteen clergy were those men who had been guaranteed the continuance of their higher stipends received before 1836. The total stipend subsidy amounted to £23,220 out of which £6,370 was granted to eighteen clergy.¹³

The issue of the Church Act was now widening beyond financial considerations and the problem of government supervision over individual church disciplinary matters to which state aid had given rise. In 1836 there had been only three churches of sufficient strength to take advantage of the Act; by 1838 the fourth, the Wesleyan, was able to secure a state stipend. Although other denominations had later increased their numbers, they made no attempt to benefit from the government because their principles forbade the reception of state aid. Only one other religious group petitioned for aid under the Church Act. This was the Jewish community. That they sought state aid is highly significant because their request made articulate a relatively new interpretation of the Act. As the Jews themselves repeatedly emphasised throughout their long fight for the state stipend, they had no financial need to secure it; indeed, their rabbi's material support was already adequate through voluntary contributions. The cause for their untiring and dogged persistence came from a deeper need. State aid had become for them a touchstone of the practical application of the principle of the Church Act extending religious equality—with the emphasis on equality—to all sects. Where the Christian sects whose religious ideals led them to support their ministers on a voluntary system could afford to ignore the financial grants and to accept the official acknowledgment of their equal legal rights with state-aided churches without an insistence on practical proof of this, the Jews could not. They formed, as

¹² *SMH*, 27 May 1846, report, LC.

¹³ *VPLC*, 1846, II, 15 September, p. 15.

they so often did among a European population, a wealthy minority in a Christian community which too frequently ostracised them socially and politically from a dislike of their religious beliefs. Discrimination was not lightly borne.

In October of 1845, Wentworth presented a petition from the Jewish congregation asking that the governor be requested to place on the estimates £1,000 for the liquidation of the debt on the synagogue and an annual stipend for the rabbi.¹⁴ An analysis of the petition reveals that the Jews based their claim to state aid on their rights as citizens and they made no mention of the religious aspect:

The petitioners [Jews] contended that, as loyal British subjects contributing to the general revenue in the same manner as their Christian brethren, they were entitled to this aid.

Justice and equality were thus stressed. Assuming that schedule C had superseded the Church Act in one particular, the Jews claimed that they could benefit under the former, which did not specify that state aid could only be given to Christian denominations as did the latter Act. The attempt to forestall objections so apparent in their petition reveals the Jewish expectation of strong opposition.¹⁵ Wentworth himself had little hope of ultimate success. Seeking, however, a slight acknowledgment of what the Jews were really demanding, a recognition of their civil equality, he trusted that the members of the council 'possessed a sufficient sense of justice to pass it [the petition] without dissent'. The debate centred round one controversial element, the relation between the Church Act and schedule C. In no illiberal spirit of opposition to the Jewish people nor in a desire to discriminate against any of his fellow citizens,¹⁶ Deas Thomson regretted that he would oppose the motion. If passed, it would raise the question whether the Church Act was still in force and he saw in the Act a supreme obstacle to the establishment of one church in the colony—and, doubtless, to a government upheaval over the issue.

¹⁴ *Ibid.*, 1845, I, 21 October, p. 155. The government had earlier granted land for a synagogue but in such an unfavourable position that the Jews had been forced to purchase another site and on this they had built a synagogue. *SMH*, 22 October 1845, report, LC.

¹⁵ *Ibid.*, 22 October 1845, report, LC.

¹⁶ With this preface the colonial secretary revealed his awareness of the true object of the Jews.

Plunkett amended the motion with the suggestion that aid for the Jews should be taken from the general revenue as the funds in schedule C were inadequate for further demands. As attorney-general, he gave his opinion that schedule C did not repeal the Church Act; it contracted the Act by limiting the grant to £30,000 and nothing more. Had the Jews been sufficiently numerous in 1836, and if they had then presented their claim, they would have been included in the grants given under the Church Act.¹⁷ Cowper, true to his conviction that the government should not aid error, opposed the motion. Determined to keep state aid for denominations within the limit of schedule C lest by exceeding it the principle of a British imposed law for the colony were tacitly approved, the legislature voted against Plunkett's amendment; but, willing to maintain the religious equality and justice of the Church Act, it passed the original motion to address the governor.¹⁸ The expected occurred. Gipps regretted his lack of authority to accede to the petition.

One colonist, who had already doubted the value of an Act supporting error as well as truth, now called the Church Act 'a viper'. The next demand, he wrote irately, would be for aid towards a mosque. If the petition had been granted the colony would have been effectually unchristianised: 'The plain effect of the course on which the Council has entered is to open the door for universal scepticism'.¹⁹ Another writer, less conservative, denied the right of any legislature to pronounce on either religious truth or error. The Jews, in justice, should receive aid.²⁰ One Jew gave a dignified reply to 'Christianus' and stressed the underlying issue:

I deny, gentlemen, in the strongest terms, we are a nation of ourselves, any more than members professing the Catholic, Wesleyan, or any other of the numerous sects into which Christianity is divided.²¹

The Jewish issue, therefore, became a very important factor in

¹⁷ Certainly Bourke's 1833 despatch supported Plunkett's claim as the way was left open for Jews and Dissenters to participate in state aid. See *HRA* (I), XVII, p. 229.

¹⁸ The motion was carried by a vote of 8:5. *SMH*, 25 October 1845, report, LC.

¹⁹ *Ibid.*, 26 November 1845, letter, 'Christianus, sed minimus inter Christianos'. He wrote again, *ibid.*, 9 December 1845.

²⁰ *Ibid.*, 27 November 1845, letter, 'Humilitas'.

²¹ *Ibid.*, 29 November 1845, letter, 'A Jew'.

establishing a new interpretation of the Church Act. It had originally been conceived as a religious act whereby the political body recognised the equality of all denominations by extending a responsibility for the existence and growth of one Christian church to all that desired its patronage. After the Jews had requested and been refused a participation in the benefits of the Church Act, state aid became a practical token of the equal rights of all British citizens in society and politics, just as state aid had been in 1836 a practical token of religious equality. As the *Australian* wrote: 'What is there in a Government which should constitute it before and beyond all other bodies or individuals, judges of *religion*, more than of mathematical, chemical, or astronomical "truth"?' Consequently the government could not have a specific religious purpose in granting state aid. It could only do so 'on the ground, that men professing a belief in God . . . will give the Government and society a greater hold on the good conduct of such believers towards one another, and their fellow Colonists'.²² It was the old argument of the clergy being valued as moral police but this time with a new twist. The emphasis was on the government's secular essence. The *Australian* went further. When state aid was refused the Jews, a passive persecution operated because 'Jews are *compelled* to pay towards other people's religion, but are not allowed to receive back anything for their own'. This forcefully put into words what the Jewish petition had implied: as citizens of a British dominion the Jews should not be compelled to pay taxes from which they gained no benefit. 'In morals (though not in law), it goes, in our opinion', observed the editor, 'to absolve the Jews from their allegiance to the British Crown'.²³

Gipps sent a special despatch to Stanley on the whole case but it was out of both their hands before a reply could be sent and it was FitzRoy who received notification from the new Secretary of State for Colonies, William Gladstone, of his approval of the governor's refusal on the basis that funds provided by schedule C could only be applied to Christian worship.²⁴ The despatch arrived after the Legislative Council and FitzRoy had given their

²² 28 October 1845, ed.

²³ 11 November 1845, ed.

²⁴ Gladstone to FitzRoy, 4 June 1846, *HRA* (I), XXV, p. 83.

decision on the same situation in 1846. In June, Wentworth, trying to sidestep the 1845 opposition, had petitioned that aid for the Jews should be given from the general revenue. On Lowe's objection that, as this was a proposal for a money grant, the Jews were usurping the prerogative of the government, the petition was merely accepted. In September, Wentworth himself took the responsibility of moving for an address to the governor, asking that £1,000 for the debt on the synagogue and £200 for an annual stipend to the Jewish rabbi be placed on the estimates. It would, he added, be a 'palpable injustice' if they refused the Jews. Although some saw the motion as a vote for a surplus to schedule C, it was passed by a majority of six.²⁵

FitzRoy's reply to the address was gracious and tactful: £1,000 would be placed at once on the estimates to liquidate the debt on the synagogue but the stipend, unfortunately, was another matter. FitzRoy represented to the council that it could become a permanent charge on the revenue and 'any extensive encroachments upon this fund may lead to future inconvenience'. Especially as there was no precedent for the grant, he felt that he must refer it to England.²⁶ Wentworth scathingly commented on FitzRoy's excuse for refusing the stipend from the general revenue. The Jews could have been placed on schedule C on their first application, now it was no longer possible as 'Two Christian bishops had been appointed to come amongst us, and schedule C was eaten up' (Wentworth was referring to the recent news that two new Anglican sees had been formed in the colony). Broughton himself did not escape censure. Wentworth accused him of inducing the government to interpret the Church Act as giving aid to Christian worship only. The council, he summed up in anger, was treating the Jews unjustly in refusing to recognise their rights.²⁷

FitzRoy wrote his despatch on 1 October 1846. Significantly, he did not allude to the religious aspect of the question. He told Gladstone he had granted £1,000 towards the synagogue's debt because the Jews were 'a numerous, respectable and influential class in this Community, contributing largely to the Public

²⁵ *SMH*, 16 September 1846, report, L.C.

²⁶ *Ibid.*, 26 September 1846, report, L.C.

²⁷ *Ibid.*, 15 October 1846, report, L.C.

Revenue', and requested permission to grant the stipend.²⁸ With others, he must have had hopes of approval. Grey, not Gladstone, received the despatch. He concentrated on the financial and political aspect of the grant as such: special grants, even if originating with the governor, he warned, could be suspected of partiality but, 'when virtually originated by the vote of a Popular Body, they are almost sure to lead to very serious abuse'. If the Legislative Council insisted, against his advice, in maintaining the Jewish religion, then this should be done by an amendment of the Church Act of the colony.²⁹ His despatch was a severe reprimand. Wentworth call it 'a rap on the knuckles to the Governor for having granted the Jews any money at all'.³⁰ Faced with the only alternative left to him, Wentworth, in 1849, with more than a hint of an apology for doing so, moved for leave to bring in a bill to amend the Church Act in an attempt to extend it to the Jews on Grey's grudging suggestion. By maintaining that the proposed bill was inherently a money bill and, as such, could only be introduced by the government, the colonial secretary defeated Wentworth's motion.³¹ Wentworth abandoned the battle until after the passing of the Constitution Act.

Voting on the Jewish grant highlighted the importance of schedule C, which had in effect separated the state aid given through the Church Act from the Act's theoretical recognition of religious equality. More than this: schedule C, and therefore state aid, associated as it was with what was felt to be unjustly imposed British law, were open to attack where the Church Act was not. Even Cowper, disliking the Act because it had successfully prevented the Church of England from becoming the colony's established church, never dared to state this. When admitting he was no admirer of the Act he gave as his reason that it supported error as well as truth. But, of course, in attacking the state aid which was limited by schedule C, a slur was indirectly cast on the Church Act, the origin of official state aid. Contradictory attitudes within the Legislative Council were thus encouraged. Plunkett, for example, wanted to extend state aid to the Jews and maintained that the Church Act had been

²⁸ *HRA* (1), XXV, p. 202.

²⁹ *Ibid.*, Grey to FitzRoy, 13 April 1847, pp. 484-6.

³⁰ *SMH*, 20 September 1853, report, LC.

³¹ *Ibid.*, 29 August 1849, report, LC.

framed with the object of granting aid to all sects. He was not prepared, however, to tamper in any way with the Act even though its principle, justice and equality, was violated because he feared lest a change in it would create a fissure through which the Church of England might regain its ascendancy. He was therefore creating the impression that the Church Act endowed four state churches, and no more. The injustice of what was originally a just measure was to become more apparent with the years.

Plunkett's fear of future Anglican ascendancy had its roots in the history of the colony—he was unaware that this very history undermined the possibility of the Church of England becoming the established church. Through its bishop's membership in the Legislative Council, the Church of England had always been closely associated with the political life of the colony to 1843. Although Broughton had intimated early in 1836 that he was prepared to resign, he continued in his capacity as a government-nominated member of the council until Stanley, in forwarding the Act for the Government of New South Wales and Van Diemen's Land in 1842, enclosed a private despatch to Gipps in which he strongly expressed his view that the non-elected members of the new council should not appear to represent 'particular interests'. In this class he placed Broughton.³² After he had learnt Stanley's wishes—indeed, they were tantamount to a command—Broughton immediately announced in council his resignation. Although later appointed to the executive council, he was no longer a public figure as a politician. To this date, Broughton had presented the image of a churchman successfully participating in affairs of state: appointed to committees, he had been automatically and respectfully selected as chairman; leader of a popular opposition to a national system of education in 1836 and 1839, he had defeated the proposals of two governors. Since he was a government-appointed official, Broughton's participation in, and direction of secular politics had to be accepted as his right. But, as Stanley had realised, a churchman-politician, especially a bishop, was an anomaly in an even partly elected legislature, and Broughton's resignation was an acknowledgment of the fact.

Broughton's image was now seen from another aspect. For one

³² Stanley to Gipps, 5 September 1842, *HRA* (I), XXII, pp. 244-5.

thing, he was an ex-government official of the old autocratic régime. For another, and this was more serious, Broughton was earnestly continuing to champion causes that cut directly across the ever deepening social, political and economic currents of the colony. Because he failed to keep pace with the changing demands, Broughton voiced protests that became more and more ineffectual, shrill and aggravating as they fell on the ears of men struggling to frame a new country to their, not to Britain's, liking.³³ He had, in 1844, been mainly responsible for the overthrow of the Legislative Council's plans for a national system of education. In insisting on a variety of denominational schools for a small and scattered population, Broughton had revealed a lack of realism. This lack, and a consequent inability to be satisfied with moderate gains, had always prevented Broughton from adapting to colonial conditions and sometimes led him into errors of judgment.

When Broughton interested himself in the squatter question, he interfered in an issue that affected the position of the most influential and wealthy men in New South Wales and, as a result, he separated himself, and consequently the church for which he was the figure-head, from these powerful men. The main reason for his interest in this controversial question of land was a genuine concern for the spiritual welfare of the people in the outback. Beyond the boundaries there were living some 14,000 people to whom only five Anglican clergy and an occasional Catholic or Presbyterian clergyman ministered.³⁴ In an attempt to cope with the situation, Broughton had suggested as early as 1844 a special tax on cattle with the proceeds paying for clerical stipends but he was disheartened by the Legislative Council's degree of indifference. The policy of the government, he complained bitterly, was 'a deliber-

³³ The attitude of Sir Charles Nicholson, first Vice-Provost of the University of Sydney, was not an isolated one: 'Were I in England', he wrote, 'I should only regard myself a unit in twenty six millions of my fellow beings, impotent for any design to benefit the race to which I belonged. *Here* on the contrary I am enabled to exercise the small modicum of ability that God has granted me, in a way that may to some extent be useful to those who may live ages hence . . . *Here* we have to lay the foundations of a social edifice'. Quoted in B. Dyster, 'The Fate of Colonial Conservatism on the Eve of Gold-Rush', *JRAHS*, LIV, pt 4, p. 351.

³⁴ Gipps to Stanley, 3 April 1844, *HRA* (I), XXIII, p. 510.

ate exclusion of all concern for the Institutions of Religion'. Under the Church Act no government aid towards building was given until voluntary donations totalled £300. As this, too, was virtually impossible with the scattered population Broughton held that 'the Church Act is vitally defective in principle, and the most absurd and mischievous example of Legislature in the annals of the world'.³⁵

With Broughton's interest in the spiritual welfare of the people was the keen awareness that, while the squatters lacked legal security to their runs, they would neither build proper homes for themselves nor provide for the wants of clergy in their districts. Broughton wanted no easy settlement for the squatters. He believed that the squatters should secure their rights at a high price and objected to the squatters' plan for leases: they would stop immigration and, without further supplies of workers, the lands would become worthless. He also saw in the plan the squatters' attempt to create a 'democratic oligarchy' and to place 'the whole power of the country in the hands of those few persons, in whom the bulk of real property will be invested'.³⁶ Entertaining such views, Broughton moved towards a natural alliance with Gipps over the land question because both men wanted it resolved in quite a different way from the squatters who dominated the Legislative Council after the 1843 elections. The agreement on the land question between the head of the state and the head of the Church of England became public in 1844, the same year as Gipps's decision to veto the Legislative Council's scheme for education. It looked very much as if Gipps had bartered the education decision in return for Broughton's backing on the squatter issue. On 7 August 1845 Stanley forwarded to Gipps for his consideration a copy of the land bill for Australian colonies and, after freely altering it, Gipps returned it.³⁷ In December of 1846 news of the bill reached the colony and the *Atlas* angrily commented on it, especially on the eighth clause, 'the Bishop's

³⁵ *Ibid.*, XXIV, pp. 494-6.

³⁶ Letter, 17 February 1846, from Broughton to a friend in England, *ibid.*, enclosure, p. 781.

³⁷ Stanley to Gipps, 7 August 1845, with bill enclosed, *ibid.*, pp. 435-40; Gipps to Stanley, 10 January 1846, with amended bill enclosed, *ibid.*, pp. 689-95.

proviso', that provided for one-sixth of the annual land revenue to be appropriated for public worship.³⁸

Within two years, then, Broughton, unskilled in diplomacy, had managed to strengthen the impression that the Church of England was working with a British imposed governor and the British secretary of state for colonies against urgent colonial needs and aspirations for a prosperous future.³⁹ To many colonists he was aiming at proselytisation and control through his denominational schools and wealth from the land at the expense of the wool industry. Autocracy was set against democracy: the demands of religion for close settlement with a more adequate spiritual supervision by the clergy appeared to triumph over the economic pattern devised by man and nature. Although men of foresight were well aware of the harmful effects of Broughton's plans, they also knew the difficulty involved in undermining his power that had so far successfully forwarded those plans. Broughton's political power largely rested on his position as bishop with his almost supreme control over subservient clergy whose influence over their people was something to be reckoned with, as had been learnt in the 1843 elections. But those who might be foolhardy enough to attack the bishop as such would lay themselves open to the charge of disloyalty to the Church of England, both as a religious institution in the colony and as the partner of the state in Britain. Moreover, this attack on the bishop would rally behind him the majority of Anglicans, fearful of religious consequences, and thus strengthen his already strong position. If the man, not the bishop, could be attacked, all would be well. And Broughton was vulnerable. He had shown himself sympathetic with the Tractarian movement and had introduced innovations. Tractarianism, emphasising centralised control, had also reinforced the bishop's power, that which was the normal prerogative of an Anglican bishop in addition to that given by the Church Act. For those who wanted to minimise church influence in political affairs the safest way of undercutting Broughton's authority was not through an attack on the Church Act, held in high esteem by the majority, but through what could be con-

³⁸ 5 December 1846. The editor called the clause 'a bribe'.

³⁹ Broughton was regarded as the core of the 'Tory and Aristocrat party', *Col Obr*, 4 January 1843.

strued as a sincere and legitimate defence of the old traditions of the Church of England against the inroads of a Tractarianism bordering on the heresies of Catholicism.⁴⁰

During the period of the 1840s, a period of increasing antagonism towards the Church of England as represented by Broughton, the church itself was facing serious and what must have seemed overwhelming problems. Already aggrieved and affronted that the government had by the Church Act denied Anglican dominance in the colony, Broughton viewed the Irish flood of immigrants with alarm.⁴¹ These immigrants, largely Catholic, appeared part of the 'vigorous efforts for ascendancy, which, in all parts of the Southern Hemisphere, are manifested by the Church of Rome'.⁴² Broughton's political attempts to decrease the annual intake of Irish had been unsuccessful and later served to identify him with unjust treatment of British subjects and with a spirit of narrow sectarianism. Financially he had little to fight with. Schedule C in the 1842 Constitution Act had fixed £30,000 as the maximum state aid to be provided for the denominations and it was obvious from the Legislative Council's actions that there was no possibility of this sum ever being exceeded. The deduction was simple. The government was prepared to subsidise the churches in their present condition but any future expansion would have to depend on other resources. Moreover, although Broughton had won the issue on the 1844 education controversy, all men, including the bishop, reading between the lines, must have concluded that state aid to the denominational schools was in a precarious position. Money might soon be needed to support Anglican schools. And it was during this period that Broughton learnt that he could no longer rely on the Society for the Propagation of the Gospel for aid. It was when this source failed him

⁴⁰ That Broughton was not wholeheartedly supporting the Tractarian movement is perfectly clear. He warned his clergy against Tractarianism in 1844: 'From the very first appearance of their writings, it was impossible to regard them with unqualified approval as representative of Church feelings and principles'. Broughton, *Charge to the Clergy*, 1844, p. 40.

⁴¹ The figures show that Broughton had grounds for worry. Out of the population in N.S.W., 187,413 in 1846, the Australian born were a third of the total, the English a little less than a third, and the Irish more than a quarter; 62,436 of the total were born in the colony; 57,349 in England; 662 in Wales; 47,547 in Ireland; 14,604 in Scotland; 3,308 in other British dominions and 1,507 in non-British lands. *SMH*, 30 December 1846, ed.

⁴² *Report of the Church of England Lay Association for New South Wales, 1844-5*, p. 5.

that Broughton consented to the formation of the Church of England Lay Association, a formal recognition that the church could no longer solely depend on state aid and a project to test the possibility of relying on voluntary support.

The formation of the Association was the signal for Lowe to renew his attacks on Broughton in the *Atlas*, the newspaper Broughton most feared. First published on 30 November 1844, the *Atlas* with Lowe as editor was financially backed by the great squatters and its purpose was to lobby for responsible government and control of colonial lands. A strong bond of union between the squatters and Lowe was their mutual desire to eliminate Broughton's influence in politics. Broughton had openly shown his hostile opposition to the squatters' plotting for security of land tenure at the minimum price. Lowe had seen his hopes for a national system of education thwarted by Broughton and made no secret of his grievance: 'the Legislative Council suffered itself to be intimidated, to be driven from what it felt and knew to be right, by an agitation derived almost entirely from this source'.⁴³ So the squatters' choice of an editor for their *Atlas* was calculated. Broughton's political influence had to be destroyed by loosening his 'dangerous power' over the clergy.⁴⁴

In its attacks on Broughton, the *Atlas*, cleverly concentrating on points that were practical and usually unrelated to spiritual doctrine, boldly put into print what men whispered in private. Broughton, accused the editor, was fighting with Gipps against the laws of nature in attempting to concentrate the population: New South Wales was adapted to sheep grazing and this entailed a scattered population.⁴⁵

Combining the grievances of the squatters and those favouring the national system of education, the *Atlas* in May 1845 claimed

that the temporal and eternal interests of this community are endangered by a systematic policy, which unites the Church of England with her bitterest enemies of the country . . . from a deep and settled plan to make the hierarchy powerful in this Colony, at whatever cost to the material, moral, and intellectual welfare of its inhabitants.

It was a subtly combined appeal to religious prejudices and to the unbridled materialistic interests of colonists intent, as so many of

⁴³ *Atlas*, 17 May 1845, ed.

⁴⁴ *Ibid.*, 5 April 1845, letter, 'Concio ad Clerum'.

⁴⁵ 22 February 1845, ed.

them were, on the good life. The clergy, so the *Atlas* alleged, 'instead of a check, form only an instrument for the exercise of his [Broughton's] sovereign power'. They must be given 'an estate in their stipends, which can only be destroyed by the verdict of their peers, instead of being determinable at the will of their Bishop'. The *Atlas* continually emphasised the image of a church-state government and Broughton unwittingly continued to reinforce this image. When he rallied his clergy to petition against the resumption of transportation in 1847, an issue in which squatters were vitally concerned, he roused even the liberal *Australian*. How could those employed in spiritual labours it argued, understand the wants of settlers and squatters? The clergy 'are, or should be, an isolated class, next to hermits and monks. Their ignorance of colonial statistics and seculars, is their honour'; they should not enter 'our lay and secular territory'.⁴⁶ In March 1847 the *Atlas* reminded its readers that the clergy had been behind the successful resistance to national education; now they were denying the criminal the opportunity of being transformed 'into a hard working member of a new society'. Transportation could supply the necessary labour in squatting areas and so ensure the future of New South Wales but, as always, stormed the *Atlas*, 'the most formidable combinations against human progress and human happiness, have been combinations of the clergy'.

Continually harassed by the *Atlas*, Broughton had to face growing discontent within the Church of England. One writer, exploring the many Puseyite innovations, wondered if even a small remnant of reformed Protestantism would be left: the introduction of such innovations was caused 'by your allowing ALL CHURCH GOVERNMENT to be at the dictation of the clergy, instead of the body of lay members, whose duty it is to prevent it'.⁴⁷ This outburst is typical of the ordinary Anglicans' attitude. They disliked change in traditional church services. They knew the laity in England participated in church government and, stimulated by the subservience of many clergy to the bishop's orders for Puseyite rubrics and by the democratic political trend, they began to pressure for some form of lay power in the church. They based their claim, not on the traditional English custom,

⁴⁶ 4 March 1847, ed.

⁴⁷ *Atlas*, 3 January 1846, letter, 'W'.

but on the fact that, since they contributed to the support of the clergy and of the churches, they had a right to see how that money was spent.⁴⁸

Broughton's sincere concern for the status of the Church of England continued to lead him into what many saw as petty, irritating, and anti-democratic involvements with the government. In 1842 the Papacy had created a territorial hierarchy in Australia so that, when Polding returned on 9 March in the following year, he landed as archbishop. Immediately circulating his official and personal protest against the establishment of a foreign see within the Anglican diocese,⁴⁹ Broughton wrote to Stanley, hotly denying Polding's right to assume the title of archbishop, an acknowledgment of which by the civil powers would be a tacit permission for the exercise of papal ecclesiastical and spiritual authority within an Anglican see.⁵⁰ The protest fell on indifferent ears. To the colonists it all seemed an extravagant fuss over nothing. To some, indeed, Broughton was attacking Polding's civil liberty as a British subject to establish the whole organisation of his church as Broughton had done. After Broughton had ostentatiously placed his protest on record in the Registry of the diocese the affair, through lack of supporting enthusiasts, was soon forgotten. Even Stanley declined a discussion on the issue.⁵¹ When, on 20 November 1847, Grey informed FitzRoy that the Catholic prelates in British dominions would, in future, have precedence immediately after the prelates of the Church of England of the same degree,⁵² another problem confronted Broughton. He was bishop, Polding was archbishop. Broughton promptly asked FitzRoy if Polding were to have precedence over Anglican bishops because, if this were so, he would absent himself from public occasions where precedence would be acknowledged. Grey finally sent his despatch to FitzRoy in which he solved the problem neatly: although Polding was archbishop, Broughton was the metropolitan and therefore the senior in precedence.⁵³

⁴⁸ See, e.g. *Australian*, 20 December 1845, ed.

⁴⁹ Circular letter was printed in *ibid.*, 29 March 1843.

⁵⁰ Broughton to Stanley, 27 March 1843, enclosure, *HRA* (I), XXII, p. 597.

⁵¹ Stanley to Gipps, 12 September 1843, *ibid.*, XXIII, p. 125.

⁵² Grey to FitzRoy, 20 November 1847, CO 854/3.

⁵³ Grey's despatch to FitzRoy was printed in *SMH*, 5 January 1850.

Broughton failed to realise that he was arguing along lines that might have been understood and appreciated as serious some thirty or even twenty years ago in Britain but were now certainly outside the liberal spirit that was gaining ground in the mother country. His reasons were unintelligible to the vast majority of colonists and his attitude, with its insistence on class distinctions and sectarianism, foreign to democratic colonists who were anxious to establish a society where all men would be equal. The Anglican leader, and so the church as represented by him, were seen as alien to the spirit of the times.

5

Bulwark for Autocratic Hierarchy



By the mid-1840s opposition to the squatters in New South Wales was widespread. Newspapers concentrated on hostility to the Legislative Council and the class aspect of the issue. The *Star and the Workingman's Guardian* agitated against the 'aggrandizement of the wealthy squatters' and 'this system of class-legislation' advocated by the council;¹ it proclaimed that the wealthy governed in their own interests, while those of the workers, 'the useful classes', were 'neglected or despised'.² The *Australasian Chronicle* wrote bitterly of members in the council working 'to found an odious, an oppressive, a merciless *oligarchy* in their own persons'.³ True to its motto, 'The greatest good to the greatest number', the *Citizen* exerted itself to raise mechanics and artisans to a higher position in society and railed against squatters 'avariciously grasping at wealth and aiming only at self-aggrandizement'.⁴ Through his efforts to force the squatters to pay heavily for their land, it might well be thought that Broughton could have rallied their opponents to the support of his church. But the landowners within the original boundaries of New South Wales, the old nineteen counties, jealous for the value of their land, and the middle class with the workers, eager for greater equality of opportunity in every sphere, formed an unstable, fluctuating coalition whose 'attacks on "squatting" were reformist rather than revolutionary, negative rather than positively formulating a vision of an alternative type of society'.⁵

Some saw in Broughton's efforts only a willingness to give the

¹ 26 October 1844, ed.

² 10 May 1845, ed.

³ 29 July 1846, ed.

⁴ 10 October 1846, ed.

⁵ Irving, p. 2.

squatters legal possession of vast tracts of country; they did not realise that many squatters would have been compelled to abandon their runs had the price Broughton and Gipps favoured been accepted by the British government. Duncan, in his *Weekly Register*, 27 December 1845, voiced the opinion of such people:

Give the squatters permanent occupation . . . give their creatures in the Legislative Council the control of the Crown lands . . . then may Australia bid farewell to greatness, freedom, and happiness for centuries to come.

Many factors hindered a rapprochement between clergy and laity of all denominations. Conditions peculiar to the colony had encouraged what was a widespread indifferent attitude towards the values of religion. As Judge Therry pointed out, many of those living in New South Wales had been transported for offences against the law or were descendants of convicts and so, he wrote with a touch of cynicism, it was not too much to presume 'that they do not all inherit from their sires, a very earnest appreciation of the importance of religious institutions'.⁶ Three-quarters of the migrants who came in the 1840s were assisted and they represented chiefly the lower stratum of British society and contemporaries did not see the working classes of Britain as churchgoers: 'From the beginning of the century, the "spiritual destitution" of the lower orders was a commonplace of religious discussions'.⁷ Moreover, for many years in the colony, clergy were few and it was little wonder that, deprived for long years of religious services, the people fell into habits of religious unconcern. Rev. J. Halcombe, who arrived in the colony in January 1848, was startled at the 'positive irreligion of many of the settlers and convicts'.⁸ Even the *Australian* despaired of better things: 'this community is essentially worldly . . . Men seem slaves, dragged at the chariot-wheels of Mammon'.⁹ Attendance at church services was, not surprisingly, disappointing and Burton calculated that, at the beginning of 1839, no more than 11,000

⁶ Therry, *Reminiscences*, p. 480.

⁷ K. S. Inglis, *Churches and the Working Classes in Victorian England*,

p. 1.

⁸ *The Emigrant and the Heathen*, p. 177. Halcombe arrived in the colony in January 1848.

⁹ 9 November 1841, ed.

Protestants attended on the Sabbath.¹⁰ One new arrival was shocked 'to see the reluctance which prevails amongst the congregation to join in the service as set forth in the rubric', and he regretted to find that nine-tenths of St James's congregation failed to join in the prayers.¹¹ Broughton himself realised that there were 'too many who regard this connection [with the Church of England] as merely nominal'.¹² The *Australian* soberly commented that

It seems palpable that in the upper classes, while the forms of religion are attended to, the *spirit* is wanting. In the lower classes we observe, speaking carefully of the multitude, that for the most part, both form and spirit are absent.¹³

A contemporary historian also wondered, 'Is there much vital religion in the Church in Australia?' and indirectly answered his own question: 'The public feeling is all on the side of the form of religion, how much of the power exists among us, the searcher of hearts alone can tell'.¹⁴

There were pleas for zealous, efficient pastors, complaints—and these were indicative of a growing attitude—about ministers neglecting the middle and lower classes to attend to the rich and respectable. Anglican clergy especially were vulnerable to such attacks. Broughton was himself seen as belonging to the aristocratic group in the colony and Puseyism was looked on as an aristocratic movement in which the middle class had no share.¹⁵ Moreover, the clergy's background often isolated them from the people: their education and training, on the whole, were of a higher standard than those of clergy belonging to other denominations. Those clergy suspected of Puseyite leanings appeared further removed from the people who, it was said, were willing to be led by humble clergy, not 'ambitious, worldly, domineering, high-church priesthood'.¹⁶ On the other hand, the university-educated clergy found the conditions and circumstances of the colony very different from those of Britain and many experi-

¹⁰ Burton, p. 270.

¹¹ *SMH*, 18 May 1843, letter, 'Myddleton'.

¹² *Charge to the Clergy*, 1844, p. 26.

¹³ 9 November 1841, ed.

¹⁴ Braim, II, pp. 168-9.

¹⁵ *Atlas*, 24 January 1846, ed.

¹⁶ *Ibid.*, 31 October 1846, article, 'Puseyite Lay Association'.

enced difficulty in adjusting. Clergy of all denominations were regarded as a race apart and the people held very definite views about their duties and place in society. They should never meddle in secular activities especially in politics:

Let the minister do his duty in the pulpit—in the school—in the prison—at the sick man's bedside—and he will have but small leisure for the turmoil of politics.¹⁷

The clergy laboured under other problems. Church buildings were too few and the *Australian* even implied that their lack was a cause for the religious indifference so obvious among the lower classes.¹⁸ But, as one earnest colonist wrote, 'so large a number do nothing' to aid in the building of churches.¹⁹ At a public meeting to propose the erection of an Anglican church at Watson's Bay, Broughton's speech contained more than a hint of despair. There was a lack of churches because 'people did not do their duty; they professed a desire for a Church, and perhaps if it could be built for them free of all expense they might be glad'.²⁰

Against this background of general apathy in the cause of religion, the dislike for state-supported churches was developing. As early as 1842 the *Colonial Observer* published a satire on the end of the old Legislative Council in the form of a last will and testament:

Item, we leave four Established or State Churches in New South Wales, but precious little religion in the Colony for them all; it being the great aim and obvious endeavour of each of them, as rival political factions, to overreach the Government and one another, to the utmost extent possible, by filching the largest possible amount of public money from the Public Treasury.

Item, we leave the Voluntary System in great and growing favour throughout the Colony, but especially in Sydney.

Social factors were working against state aid. From 1843 the Scotsman came from a country split by a schism based on the issue of a state-established church and where the majority preferred to support a church with no connections to the state. With his background of a hated state-imposed church to the needs of

¹⁷ *SMH*, 17 February 1843, ed.

¹⁸ 19 March 1844, ed.

¹⁹ *SMH*, 16 June 1846, letter, 'A Son of Australia'.

²⁰ *Australian*, 10 July 1847, report of meeting.

which he was compelled to contribute, the Irish immigrant, too, had little reason for liking a system of state aid. More potent factors were indirect ones. The very peculiarities of the political and social origins of New South Wales provoked an attitude of mind which was to erode the perpetuation of state aid. Running through the dissensions within the colonial churches in the forties and fifties of the nineteenth century was a common denominator: it was a questioning of and resistance to authority which was fast growing into an instinctive reaction among the colonists and was part of their almost fanatical desire for equality and justice.

Between 1837 and 1838 the British parliament appointed a committee to report on the effects of transportation. In an interesting and shrewd assessment of the effect on Australian society, one witness, Captain Maconochie, gave as his opinion that the widespread 'impatience and irritability under Government regulations and judicial decisions, however just or well founded', could be attributed 'almost exclusively to their convict system' which, he proceeded to show, had its effects on the free immigrant as well as on the convict and his descendants: 'Degraded servants', he said bluntly referring to convicts, 'make suspicious masters; and the habit of suspicion being once given, masters soon begin to suspect their equals and superiors, as well as their inferiors'.²¹ Far more than his counterpart in tradition-ruled Britain, the free man in New South Wales had a sense of his own importance in and responsibility to the small society in which he moved. The transportation system which did not end until 1840 had, therefore, considerable effect on framing the colonists' attitude to authority.

This effect was heightened by the type of immigrant that arrived; generally speaking, only the more adventurous and more independent man took advantage of the schemes for assisted migration or risked his capital to voyage to a new land in which to seek his fortune.²² These were men who, having uprooted themselves, and very often their families, and endured the long, dangerous journey over the seas, were not likely to accept pass-

²¹ Report of the select committee on Transportation quoted in Clark, *Select Documents, 1788-1850*, pp. 165-6.

²² F. J. Jobson noticed the independent spirit of the working class: 'Labourers and servants of all classes speak and act with greater independence [than those in England] . . . little children . . . are ready to assert their rights'. See his *Australia; with Notes by the Way*, p. 162.

ively dictates of authority in a land offering itself to be shaped to those who dared. It was easy, too, to slip beyond the reaches of the law and, squatting on many acres, seize, not always a fortune, but at least the opportunity to win one. The authorities could be and were seen as obstacles to progress. If they were eluded all the better. The dream of bettering themselves had driven immigrants to Australia and the success of the majority, relative of course to their conditions in the mother country, in no way increased respect for authority, an authority, moreover, imposed by men living over 12,000 miles away. The attitude of such men could be seen in their respect for individual rebellion against authority in any sphere. Lang's tilts against the Presbyterian Church, the governors, and his radical newspaper writings were very largely the cause of his becoming 'the idol of the Sydney labouring men'.²³

Church as well as state felt the impact.²⁴ In the militant vanguard were the Irish Australians, the healthily disruptive force in an otherwise homogeneous society:

More than any other Australians, partly because they were Catholics and partly because they were of Irish stock, they felt a certain alienation from the culture, the bonds of Empire, the ties of loyalty to the Crown that were part of the total mental and emotional outlook of most other Australians.²⁵

It was this alienation that helped to form a wholesome irritant in what might have been a smug acceptance of the ideals laid down for the colony by the British colonial department. The Irish brought their own peculiar contribution as a result of their history of entanglement with England. Long years of hardship and bitterness under an English rule that had deprived them of land and political power had left the Irish surly against all authority except that of their local priest and on him they leant for leadership. On the combined effects of a penal settlement and the Irish race Manning Clark observed:

²³ *Empire*, 13 August 1855, report, 'Public Meeting at Brisbane'.

²⁴ Polding gives a humorous account of one such impact. 'Broughton (the Protestant Bishop) I hear, forbade his people to attend the Dedication of St., Patrick's [church]', he wrote to Rev. Heptonstall, 19 March 1844. 'The consequence [was] that they all came.' Birt, II, p. 75.

²⁵ J. N. Molony, *The Roman Mould of the Australian Catholic Church*, M.A. thesis, p. 7.

the enforced association between the town convicts, with their twist to the ideals of social equality and fraternity, and their contempt for the laws of property, and the Irish convicts, with their irreverence for all the laws of the Anglo-Saxon and their long-standing alliance with the Church of Rome in their struggle against poverty—this was the seed from which great and mighty trees were to grow in our history.²⁶

The effect of the colony's penal origin and the calibre of the migrant that had projected him into the new world were in the 1830s and 1840s successfully telescoping the stages towards responsible self-government. These two factors, with their potency increased by political achievements, were also the leaven in the colonial church situation.

For the Catholic Church, with its post-Tridentine emphasis on a strong hierarchy of clergy and a submissive laity, the leaven was particularly explosive and, in the handling of men with revolutionary ideas, it found, as had the Church of England, that state aid to religion was a mixed blessing. To understand the Catholic attitudes towards state aid it is necessary to examine two things, separate yet closely related: first, the ways in which state aid bolstered Polding's particular plans with which the majority of laity and clergy were dissatisfied; second, the troubles within the church itself, the blame for which many people attributed to state aid. Abolition of state aid emerged as the panacea.

In 1835 John Bede Polding arrived in Sydney as Bishop of Hiero-Caesarea and Vicar-Apostolic of New Holland and Van Diemen's Land. He came with his medieval vision of a diocese staffed by Benedictine clergy. We shall come, he wrote, 'as near to the form of the Benedictine Institute as it existed in England before the Reformation as we can—blending as it did in perfect harmony Episcopal authority with the Abbatical'.²⁷ But, alas, the exercise of authority in New South Wales rarely produced harmony. Polding himself began his controversial career by assigning stations to his clergy and then assuaging tempers ruffled by the changes he had made.²⁸ His Vicar-General, Ullathorne, could have warned him what to expect. Ullathorne had come to the

²⁶ C. M. H. Clark, 'The Origins of the Convicts transported to Eastern Australia, 1787-1852', *HS*, VII, no. 26, p. 324.

²⁷ Letter from Polding quoted in O. Thorpe, *First Catholic Mission to the Australian Aborigines*, pp. 193-4.

²⁸ See Kenny, p. 72.

colony after the British government had intimated that it 'was prepared to do everything for the Catholic religion' on the condition that a clergyman was sent 'in a superior capacity to put a stop to the dissensions reigning among the clergy there'.²⁹ Experience had soon shattered Ullathorne's naive belief that his authority 'would make any further attempt at division abortive'.³⁰

By 1838 Ullathorne was also realistically acknowledging the right of Irish priests to become dominant among Catholic colonists who were largely Irish by birth or descent and he could see that secular priests would outnumber the religious.³¹ Polding, unfortunately, was not so realistic. Only when English monasteries, strained beyond their resources, could give no help did Polding turn to Ireland. That he turned with a reluctance stemming from his brief experience in dealing with Irish clergy is evident from a letter written by Bishop T. J. Brown in which he reported a conversation:

The clergy and people in Australia are almost all Irish, having a strong national feeling. Dr., Ullathorne, and I think Dr., Polding, told me that the Australian Irish clergy, and their countrymen, including the Bishops in Ireland, were sore at being under an English Bishop and a Regular . . . Let Dr., Polding recommend Irishmen for Bishops, and more good will be done.³²

Blind to realities that became shifting sands for the structure of a monastic-planned diocese, Polding remained firm in his belief that the Australian mission would be successful only if it were conducted by men vowed to a Benedictine life.

Polding's stubborn insistence on priority for Benedictines and an unyielding emphasis on his own supreme authority had unfortunate results for the development of various congregations in the colony. On Polding's assurance that he would allow the Christian Brothers 'the full and free exercise of their Rules', their Superior General, Brother Paul Riordan, promised three brothers from Ireland and these, in company with Polding, arrived in

²⁹ Letter from Ullathorne. The dissension to which Ullathorne referred existed between two Irish clergy, Rev. J. Therry and Rev. C. V. Dowling, and is one proof that the Irish-English racial animosity was not the major cause of trouble within the church. *Birt*, I, p. 154.

³⁰ Letter from Ullathorne, *ibid.*, p. 161.

³¹ Letter, 11 July 1838, to Rev. T. J. Brown, *ibid.*, p. 371.

³² Letter, 11 June 1842, *ibid.*, II, p. 41.

the colony in March of 1843. In his memoirs the superior, Brother Stephen Carroll, recalled that Polding continually exerted himself to persuade young students and priests to join his Benedictine novitiate and adopted means 'not calculated to reflect credit upon the undertaking'. Soon after a young man entered the Christian Brothers as a postulant, Polding informed Brother Stephen that the postulant 'belonged to him'. Immediately realising that Polding saw in the brothers only a nucleus for an order dominated by him, Brother Stephen sought permission from Irish authorities for departure from the colony and the brothers hurriedly left in 1847 before Polding, then in Rome, could make any attempt to prevent them. Pregnant with significance for future troubles was the fact that those Catholics with whom the brothers had discussed their reason for leaving approved the decision.³³ With the Christian Brothers had come four priests belonging to the Passionist Order. In common with the brothers, they clashed with Polding over his assertion of authority. They, too, claimed an independent jurisdiction which Polding would not consider, let alone grant. Other factors entered into the dispersal of the Passionist missionaries in 1847 but Catholics saw only the repeated failure of religious institutes other than the Benedictines and Polding's apparent lack of concern for all religious except his own monks.³⁴ For in that same year of 1847 three of the remaining four Sisters of Charity, who had come to Sydney nine years earlier, left the diocese. Again the trouble had flared over exercise of authority, again specifically in an attempt to alter the constitutions of a religious institute so that it might be brought more under the control of colonial ecclesiastics.³⁵ Catholic colonists were aggrieved at their loss and their grievance rankled. In 1858 they were to accuse Polding of the responsibility for the lack of religious institutes in his diocese, which lack, they complained, was detrimental to the welfare of their church.³⁶

³³ For further details see A. I. Keenan, 'The History of the Institute', *The Christian Brothers' Educational Record*.

³⁴ See P. Moran, *The History of the Catholic Church in Australasia*, pp. 407-25, for an outline of the Passionist venture. See also T. L. Suttor, *The Catholic Church in the Australian Colonies, 1840-65*, Ph.D. thesis, ANU.

³⁵ For an account of the history of the Sisters of Charity in Australia see J. H. Cullen, *The Australian Daughters of Mary Aikenhead*.

³⁶ See e.g. *FJ*, 12 May 1858, letter, 'Isidore', and *ibid.*, 2 June 1858, letter, 'Catholicism'.

It was between 1840 and 1843 that the Irish clerical dominance in the colonial church became irretrievably entrenched. While Polding, Ullathorne, and Gregory, three English Benedictines, were overseas, Rev. Francis Murphy, 'a priest of six-priest power',³⁷ was vicar-general and not only was an Irish priest at the helm with all but two of thirty clergy Irish but the steady migration of Irish had begun. The laity, too, found a voice. The success of the Catholic *Australasian Chronicle*, backed by wealthy Irish emancipists and edited by Duncan, did much to raise the status of the Irish Catholics in the colony. Duncan had his ideals for the Catholic community. Intelligent, well-read, enthusiastic, Duncan worked earnestly to undermine what he saw as a suspiciously aggressive and enclosed Irish Catholicity. Given their history, of course, the Irish attitude is easy to understand but Duncan desired for the church a more expansive vision than that which the Irish then supplied. For this reason he supported a national system of education which he believed would lessen religious rancours between the denominations. Moreover, besides encouraging Catholic laity to regard themselves as an integral part of society, Duncan publicly favoured the voluntary system and emphasised the evils stemming from church-state relations: he wrote of his struggle 'to emancipate the Church from the thralldom of the State'.³⁸ The Irish with their long heritage of enforced financial support for an imposed alien church could sympathise with these views.

Duncan, however, fell between two stools. His active support for Irish immigration looked very much as if he had abandoned his boasted principle to play down Irish nationalism and to encourage Irish integration into colonial society and he forfeited the admiration of earlier non-Catholic supporters. Then, in opposing the agitation for Repeal in Ireland, he aroused strong Irish opposition and, when his radical ideas and his attacks on sectarian Irish nationalism were both in prominence during the 1843 elections,³⁹ it became only a matter of time before he would be

³⁷ Letter from Ullathorne, 10 January 1838, to Dr Brown. Birt, I, p. 360.

³⁸ *AC*, 20 March 1841, ed.

³⁹ Duncan supported the candidature of Captain M. O'Connell (Protestant). *Ibid.*, 3 January 1843, ed. He was opposed to the coalition of Roger Therry (Catholic) with James Macarthur, *ibid.*, 14, 17 January 1843, ed.

dismissed from his position as editor of the *Australasian Chronicle*. On 22 February 1843, some two weeks before Polding returned from overseas, Murphy notified Duncan that McEncroe was to succeed him as editor. Murphy, by dismissing Duncan and appointing a popular Irish priest as editor, presented Polding with a *fait accompli*: the Irish secular clergy were in the saddle. On his return Polding, vacillating at a critical stage, did nothing to reinstate Duncan.

Under McEncroe and then under his nephew, Michael D'Arcy, the *Australasian Chronicle* continued Duncan's policies of emphasis on the Irish and support for the voluntary system. 'We most devoutly wish', the editor commented on 2 May 1843, 'that all "legal" connection between Church and State throughout the wide domain of Christendom may be gradually brought to a happy separation'. An article from the *Dublin Review*, 'State Provision for the Irish Clergy', was printed in the *Australasian Chronicle* in February 1845 in which the writer proudly claimed that 'The clergy and people of Ireland, if we know them rightly, will never be consenting parties to any scheme involving the destruction of the voluntary principle'. Three months later the editor assured the public that Catholics did not care how soon the question of abolition of state aid arose and, in 1844, McEncroe himself publicly admitted that he believed that the voluntary principle was the best method for church support. The clergy in Ireland, McEncroe said, 'would shrink with abhorrence from any state provision'.⁴⁰ The *Australasian Chronicle* was therefore important. Duncan had been partially responsible for the continuation of Irish immigration and his insistence on the right of Irish Catholics to claim equal status in politics and in society played no inconsiderable part in bolstering the self-respect of the Irish in an English-dominated land; and under Duncan, McEncroe, and D'Arcy, the paper consistently upheld the superior advantages of the voluntary system over state aid. A confident Irish laity with memories of a hated state aid in their homeland were thus by the 1850s in a position to assert strongly their opinions on church policies.

⁴⁰ McEncroe's speech at meeting of Catholics. See report in *ibid.*, 3 January 1844.

Polding, as archbishop, had returned in 1843 with high hopes. His presbytery was recognised as an established monastery and no one could be mistaken about his plans. He wished to ordain all the priests for the colony and these, of course, were to be Benedictines. But, founded from England and with English superiors whose polished and courtly manners won the admiration of some of the Protestant upper class, the Benedictine monastery could not flourish in the early Irish colonial environment and even its Irish members in Sydney soon came to see the Benedictines as alien to themselves and to the colony. Racial friction between Irish and English, the latter in position of major superiors, must be considered as a factor in the final failure of Polding's Benedictine scheme although this racial attitude should not be over-emphasised. Perhaps an equal irritant was the English consciousness of educational and cultural superiority. The desire of Polding and Gregory that the Benedictines would 'elevate and refine both the intellectual and religious perceptions' of the colonists made little impression on the poor Irish immigrant and settler so involved in the practical tasks of survival and material improvement.⁴¹

Embedded within the emotional and illogical attitude towards the Benedictines were very prosaic financial considerations. In 1860 a Benedictine priest felt called upon to deny publicly that religious priests were forced to surrender part of their state stipends to the archbishop.⁴² His denial provoked a retort based on conclusive proof of misappropriation of state aid:

upon referring to Government papers I find that the following Benedictine monks were drawing salaries from Government from the year 1850 to March, 1852, namely, Brothers Ignatius McClennan, S. A. Sheehy, J. O. Connery, and J. F. Sheridan—not one of whom was doing *missionary* duty, and only *one* of whom was *then* a *priest*. (One is not yet). *Three* were simple monks. Was this a cheat? Subsequently two or more of these gentlemen were *pluralists* . . . I find by the Catholic Almanac for 1853 that the Rev. Mr. Sheridan was parish priest at Petersham and President of the Lyndhurst Seminary; the Rev. Mr. Sheehy was paid for the Sydney Mission, and was at the

⁴¹ 'Account of the Mission in New Holland', quoted in Birt, II, p. 172. Benedictine priests and nuns opened schools for the boys and girls from upper class families. These did not flourish.

⁴² *SMH*, 28 April 1860, letter, 'A Benedictine'.

same time, as he is now, President of St. Mary's Seminary, the Rev. Mr Summer drew a stipend from the State for the *onerous* duties of providing wine, etc, for his brethren.⁴³

The writer righteously queried if monks 'could conscientiously draw money from the Treasury, *not* for their actual wants which the people still supply, but "to build monasteries, schools, etc?"' He despaired, however, of a reply from the monastery because

Whether the Benedictine clergy are allowed the use of the stipends they draw from the Treasury or not, they dare not open their mouths on the subject, while the sword of Damocles hangs suspended (suspension) over their heads.⁴⁴

Within six weeks, on 14 June, W. Forster, militant leader against state aid in the Legislative Assembly, moved for returns of Catholic clergy in receipt of state stipends between 1848 and 1852. His apology for the request suggested that more than one knew of the misappropriation. He had heard a report, 'and from very good authority, that irregular payments had been made to certain Roman Catholic clergymen during the period referred to in the motion'.⁴⁵

State aid also enabled the Catholics to charge Polding with unjust, despotic exercise of authority just as the Anglican laity were to charge Broughton. In 1843 Polding asked Rev. John Rigney to move from the Illawarra region to the Moreton Bay parish. Whereupon Rigney's parishioners protested so vehemently

⁴³ An 1853 *Catholic Almanac* was unavailable but, in the 1853 *Ford's Almanac*, J. Sheridan is listed as parish priest of Petersham. I could find no proof for the charge of pluralism. It might be noted, however, that it was possible for a clergyman to receive a state stipend as a minister of a parish and, simultaneously, to receive government remuneration for other duties, e.g., as chaplain for convicts.

It will be remembered that only ordained ministers could legally apply for state stipends, and that after their ecclesiastical superiors had given an official statement that they had fulfilled pastoral duties.

I. McLennan was ordained 7 May 1848; S. Sheehy, 3 March 1852; J. Sheridan, 6 March 1852; J. Connery was never ordained. These facts, in the records at SAA, were kindly supplied by the archivist, Mgr C. J. Duffy. According to government records for the period 1848-52, McLennan received a stipend from 1 September 1848 to 31 October 1848; Sheehy from 1 May 1850 to 31 October 1852; Sheridan from 1 May 1850 to 31 December 1852; Connery from 1 May 1850 to 31 January 1852. See *VPLA*, 1860, pp. 1028-9. The accusations of 'A Catholic' were correct, therefore, except in the case of I. McLennan (in the government records his initial is given as J).

⁴⁴ *SMH*, 3 May 1860, letter, 'A Catholic'.

⁴⁵ *Ibid.*, 15 June 1860, report, LA.

that, 'Rather than risk a schism on the South Coast', Polding meekly capitulated and appointed another priest to the north. One week later, however, Polding informed Rigney and other priests that, in future, their stipends would be reduced by £50, which sum would go towards the upkeep of the Benedictine monastery. The proposal was seen as one of revenge. When Polding, after receiving anonymous letters censuring the unjust deprivation of the full state stipends, accused Rigney of writing one, the priest was so incensed that he declared that he would return to Ireland. Three Irish priests immediately announced that they would accompany him. It was some time before the four priests were induced to remain in the colony.⁴⁶ Polding faced the same kind of situation more than once.⁴⁷ After a fruitless attempt to settle the notorious dispute between Bishop R. W. Willson of Hobart and Rev. J. Therry, Polding acknowledged that, if he did not show kindness to Therry, 'All [my emphasis] my people will lose confidence in me'.⁴⁸ The incidents revealed a disturbing point. The Irish parishioners together with their Irish pastors were not always amenable to the dictates of the archbishop.

In his position as spiritual head of the Catholic Church in the colony, Polding could manipulate the state stipends and there were several indications that he did interfere with a priest's legitimately obtained stipend in order to finance his Benedictine projects. Viewing himself as the superior in a monastical sense over his clergy, Polding doubtless believed he was justified, but his Irish clergy were irate and Polding was finally forced to desist. McEncroe, writing his extraordinary letter to the Pope, maintained that the Irish secular clergy saw themselves as 'tithe-collectors' for the monastery. The attempt, he wrote,

made by the Archbishop to take a *percentage* from the *stipends paid* by the Government to the *secular priests*, and *afterwards, the two kinds of the dues and offerings* made by the faithful to the clergy for the support of his mission and monastery, created a very strong feeling amongst the Irish clergy and laity against the Archbishop and the Benedictines. It is true he had [now] given up these demands.⁴⁹

⁴⁶ The three priests were Rev. J. Gould of Campbelltown, Rev. J. Fitzpatrick of Penrith and Rev. N. Coffey of Parramatta. R. Wynne, 'Arch-deacon John McEncroe', *ACR*, XXXII, no. 1, p. 27.

⁴⁷ See Polding's 1861 Pastoral Letter, SAA.

⁴⁸ For an outline of the dispute see Birt, II, pp. 106-10.

⁴⁹ Petition dated 12 March 1851, *ibid.*, p. 179.

By 1851 those who were alert to read the signs were convinced that Polding's Benedictine plan would not succeed—its core was disintegrating because discipline in the monastery itself was weak.⁵⁰ Polding, as major superior, had delegated his authority to Gregory, his 'intimate friend'.⁵¹ Gregory was English and often absent for long periods accompanying Polding on his missionary journeys into the interior. These handicaps, added to Gregory's character which was difficult to understand, stern and unbending, helped to create tension and unhappiness among the monks.⁵² Bishop Goold of Melbourne, travelling through Sydney on his way overseas, saw 'growing dissatisfaction amongst the ecclesiastics'; he gave as his opinion that 'the cause of this discontent was attributable to the priests and not to the Archbishop'.⁵³ Before Goold's arrival, McEncroe had informed him that he had taken the unusual step of writing to the Pope

offering a few suggestions about supplying New South Wales with priests. It is obvious that the 'infant' Benedictine Monastery cannot. Irish students or priests will *not* come.⁵⁴

His assessment of the situation and the remedy was logical: it was from Ireland that the clergy 'should naturally be provided for this mission; as 95 out of every 100 Catholics in all these colonies are *Irish*, or of Irish descent'. But, continued McEncroe, Irish seminarians and priests were not anxious to come to New South Wales because they had heard 'that the Irish clergy will be employed only as *assistants* to the English Benedictines' and that their state stipends would be taxed to support the Benedictines. So his proposal was for the creation of dioceses under Irish bishops.⁵⁵ Rome, as usual, bided its time.

Monastic unrest, simmering since 1850, erupted in 1854. Three Benedictine monks (Rev. S. A. Sheehy, Rev. J. F. Sheridan and

⁵⁰ Benedictine Journal 1848-51, SAA. See, e.g., entries, 21 January, 27 March, 11 July, 23 October 1851. The collapse of fervour within the monastery culminated in several monks obtaining dispensation from their vows, *ibid.*, 28 October 1851. They were not the first to do so. See letter, 3 December 1850, to Sheehy, J. Sheridan Moore Papers, Am 38, ML.

⁵¹ Ullathorne, *From Cabin-Boy*, p. 200.

⁵² That Gregory's character unsuited him for his position is easily substantiated. See *Annals of Sisters of Charity, passim*; letters from Willson to Goold, e.g., 6 May 1858, SPA.

⁵³ Goold's Diary, 1850-1, entry under caption, 'May & June 1851', SPA.

⁵⁴ Letter, 1 March 1851, Wynne, *ACR*, XXXII, no. 4, pp. 312-13.

⁵⁵ Copy of petition among McEncroe Papers, SAA.

J. H. Curtis, deacon) forwarded a paper to the Cardinals of the Sacred Congregation De Propaganda Fide in which they outlined their grievances. 'Zealous young men' were prevented from aspiring to the ministry because the archbishop would ordain natives of the country only if they joined the Benedictine Order. They claimed that the people's dislike for the Benedictines was such that the monks were actually an obstacle to the progress of the church in the colony. This dislike was said to be due to the monks living in their monastery and not in the parishes in which they worked; their obligations to monastic life prevented them from being 'better employed in the works of the mission'; and finally,

their want of pecuniary means to relieve the poor and encourage charitable works (for although they receive from the Government salaries, it is not left at their disposal, but at that of the Superior alone).

The petition concluded with a sharp attack on Gregory whom the writers blamed for much of the situation both within and outside the monastery.⁵⁶ So perturbed was Polding by conditions within his archdiocese, so convinced that he and his policies were rejected by the Catholics, that, two days after the petition was written, he and Gregory hurriedly left the colony for Rome, leaving his English coadjutor, Rev. Henry Charles Davis, as ecclesiastical head of the colony.

That the situation was unusual and critical is indicated by the reaction of prominent Catholic laymen. Meeting at private conferences, a small group resolutely decided that, although they were prepared to request Polding to return, they would not invite 'Dr. Gregory back, even at the risk of His Grace himself not returning to the colony; for all parties present felt how much His Grace allowed himself to be influenced by his counsel'.⁵⁷ The laity as a whole was then summoned to a public meeting held in St Mary's itself. The meeting followed the pattern drafted by the conferences: the people passed a resolution expressing loyalty to Polding and entreating him to return; to Gregory they expressed sincere gratitude for his work, but there was no wish for

⁵⁶ Copy of petition given in Birt, II, pp. 216-22. Birt inserts a refutation after each paragraph of the petition.

⁵⁷ An account of these conferences is given by 'one who took an active part in initiating proceedings to call a public meeting of lay Catholics'. See *FJ*, 12 March 1859, letter, 'Veritas'.

his return.⁵⁸ It was the Catholic laity's first organised intervention in the concerns of their colonial church government. The 1854 lay assertion, however, was only a very cursory preliminary bout in which the hopes of the laity were not fulfilled. With a deepening of the existing problems and of general dissatisfaction, the real battle was joined in 1859. By this period state aid had become an important and popular political issue so the opponents of Polding's administration found that not only had state aid been a factor in creating problems but it had also provided them with a strong weapon that they did not hesitate to use.

While Catholic dissatisfaction with church administration simmered passively in the late 1840s, radical Anglicans prematurely acted. It was in 1846, with the current of popular opinion swinging against Broughton, that Robert Lowe, 'a radical of the deepest dye',⁵⁹ as the bishop called him, felt he had the support of a sufficient number to introduce a bill to give Anglican clergy a freehold in their benefices. This was a bold move to relax the hold Broughton possessed over his clergy, bold because it meant interference with the Church of England Temporalities Act connected with the Church Act and because it was the throwing down of a gauntlet to the bishop's political power. Lowe's emphasis on an essential independence for the clergy revealed that this was his main object. He did not want the clergy to continue as mouthpieces for the bishop.⁶⁰ The *Atlas* echoed his views: 'They [clergy] should be made free [from the bishop's control] to prevent the laity from becoming slaves'.

Broughton obtained permission to be heard at the bar before the second reading of the bill. His opposition was based on the divorce between the state and the Church of England that the Church Act had created. The bill, by removing the clergy from the bishop's control and placing them under that of lay trustees, 'will place the clergy of different persuasions on a different footing, and . . . the position of the clergy of the Church of England would be rendered the most unfavourable'. Broughton's point told. The majority of members decided it would be better to postpone the bill until perhaps one 'which would embrace every

⁵⁸ *Ibid.*, 1 April 1854.

⁵⁹ Broughton to Coleridge, 15 August 1844, BP.

⁶⁰ *SMH*, 11 September 1846, report, LC.

variety of religious sect' could be framed. With reluctance Lowe withdrew the bill.⁶¹

By 1848 the Church of England was facing a crisis. Circumstances basically financial had forced Broughton into what looked like public affirmation of his almost autocratic power over Anglican clergy and laity: against strong vocal opposition he had introduced the Offertory collection and, in the political arena, he had successfully resisted an attempt to deprive him of control over his clergy's benefices. But, although Lowe's bill was withdrawn, the debates had shown that some clergy and laity would approve of a similar bill introduced by the clergy themselves. The Tractarian movement came under fire not only because it tended to augment the bishop's jurisdiction but also because it served as a legitimate excuse for rebellion against the considerable political influence of the Church of England. In 1848 the Church of England was undeniably a divided body. Both to lessen the bishop's power and to heal the division, some laity were pressing for lay participation in church affairs but they had not yet made much impact. It was significant, however, and ominous for the future of state aid, that the laity were realising that the bishop's control over the bestowal of state stipends rendered the clergy subservient to him as well as making them independent of the laity. As early as May 1845 the *Atlas* had written that the only method by which Broughton's absolute authority could be reduced and by which Puseyism could be eliminated was 'to repeal the Church Act of the Colony, to do away with the Parliamentary reservation of £30,000 per annum *for the support of religion*'. If church finance were in the hands of the laity and not of the bishop through state assistance, the situation of the church would improve. Inextricably entwined with the rejection of a close church-state organisation was, of course, the developing democratic tendency that resented a clergy-dominated church structure. With the demand for political democracy there naturally came the demand for democracy in church affairs. The crisis in the Church of England, flaming to a climax in the 1848-9 period, gave a vigorous impetus to the movement for lay power within its organisation.

The defection of Rev. Robert Knox Sconce, incumbent of St

⁶¹ *Ibid.*, 23 September 1846, report, LC.

Andrew's Church, to the Catholic Church was announced on 21 February 1848: 'the tendency of his views during the last three years', observed the *Herald* in an endeavour to soften the unexpectedness of the blow, 'led many persons to suspect that he would eventually join the Roman communion'.⁶² But there was no denying the shock when, the following day, Rev. Thomas Makinson of St Peter's Church, Cook's River, seceded to Rome. Deploring that 'the evil which we foretold has fallen', the *Atlas* nevertheless gloated that Puseyism had finally developed into Popery.⁶³ Tractarianism again, as in the political issue, provided the pretext for righteous interference in a colonial church system dominated by episcopal autocracy. An old parishioner of Sconce cynically remarked that Broughton's own loyalty to Anglican principles was in doubt. 'Bets', he wrote, 'are depending on the issue'.⁶⁴ His remark was an indication of the ordinary man's attitude and lack of involvement in the whole issue. Even the letter of loyalty from Anglican clergy had provoked cynicism. Many who signed would have followed Sconce and Makinson but

a law [Church of England Temporalities Act] drawn up by the despot himself [Broughton] has cruelly placed them all at his mercy . . . while Messrs Walsh & Co like Popery very well, it is evident that they like Pudding still better.⁶⁵

This view that state aid was feeding heretical ideas within the Church of England was elaborated by the *Australian* in a lengthy and significant leader in March. Refusing to discuss the doctrinal points in the issue of the two Anglican defectors, the *Australian* firmly and unequivocally stated what it saw as the crucial problem:

It is to the miserable state of *discipline* into which the Churches have fallen, by reason of the temporal power given to their Bishops, that we desire to call the attention of the laity. And we sincerely believe, that only by the repeal of so much of the Constitutional Act as relates to schedule C, can true and proper discipline be enforced amongst the disorganised clerical bodies over whom Dr. Broughton and Dr. Polding now rule with absolute sway.

⁶² 21 February 1848, article, 'Conversion to Romanism'.

⁶³ 26 February 1848, article, 'Puseyism finally developed into Popery'.

⁶⁴ *Atlas*, 4 March 1848, letter, 'An Old Parishioner of Sconce'.

⁶⁵ *Ibid.*, 18 March 1848, article, 'One of his latest'.

Beneath the alleged concern for spiritual issues, the *Australian* clearly revealed an obvious desire to remove church influence from political questions, a church influence that could only be exercised through the bishops' unlimited control over the state aid that supported their clergy.

The *Australian* editorial had touched on at least one rankling point for those Anglicans sincerely concerned about the defecations: the bishop had permitted Sconce and Makinson to continue in their ministerial duties while they were entertaining Popish doctrines. The strong implication was that Broughton was still permitting suspect clergy to be in charge of parishes. Therefore, 'it is high time', as one conscientious Anglican wrote, 'that the zealous and sound lay members should sound the trumpet of alarm, and warn their fellow-churchmen of the impending danger to their Zion'.⁶⁶ Some of those Anglicans who saw in state aid the most effective obstacle to lay power in church affairs now contemplated the extreme step of beginning a Free Protestant Church in Sydney. Although cautioning discretion, the *Australian* rejoiced at the news and published at least one letter approving the decision.⁶⁷ And when one writer roundly declared that the project was nothing but schism, the editor acidly commented that private and public complaints had been frequently made about Puseyite introductions into the Anglican service but that the bishop had treated such complaints 'with contemptuous silence'.⁶⁸ If schism there were, some therefore believed, then the bishop was creating it. Moreover, through his control of state stipends, Broughton was misusing his powers: clergymen 'were left to starve, and many deserving clergymen, whom for their sakes we forbear to point out to episcopal wrath, are treated with coldness and neglect'.⁶⁹ The Civil List dragged in its train the 'numerous evils of patronage and favouritism, and jobbery'.⁷⁰

Within a year the bishop's autocracy and its relation to state aid were once more the subject of attack. At least one Anglican minister, Rev. P. T. Beamish, collided with Broughton over finan-

⁶⁶ *SMH*, 26 February 1848, letter, 'A Layman of the Anglican Church'.

⁶⁷ 10 March 1848, ed.

⁶⁸ 17 March 1848, letter, 'No Alarmist'. The editor's comment was printed at the end of the letter.

⁶⁹ *Atlas*, 26 August 1848, article, 'Priestly Intolerance and Ignorance'.

⁷⁰ *Ibid.*, 30 September 1848, article, 'Constitutional Government'.

cial matters. In May of 1849 Broughton was forced to discontinue the payment of a government stipend of £100 a year to Beamish. When Beamish went to Sydney he discovered that an Anglican clergyman was receiving money over and above his regular state stipend. Aggrieved at what he saw as discrimination and misuse of state funds, Beamish wrote an angry letter to his bishop. Although he later apologised for his hasty accusations, Beamish complained that Broughton would not forgive him and treated him coldly. Beamish was affronted. Such treatment he felt was in direct contrast to the bishop's over-lenient attitude towards Sconce, the Puseyite defector: 'the Bishop of Sydney', he wrote, 'thus identifies himself with that party whose avowed object it is to unProtestantize our Church'.⁷¹

Rev. F. T. C. Russell, another Irishman and friend of Beamish, was suspended in July of 1849 from ordination and from his deacon's duties 'until he shall have made satisfactory acknowledgment of his fault' to Broughton.⁷² Russell's transgression had included 'a letter to Broughton of an insulting nature, and tending to excite strife and offence, contrary to his duty as deacon and an accusation against a Romanising clique' among the Anglican clergy for conspiring to prevent his ordination.⁷³ Unfortunately, Broughton had been too obviously highhanded in the issue. Seven laymen who accompanied Russell to the bishop's court stated in a letter that Broughton had absolutely refused to allow Russell to speak in his own defence and arbitrarily delivered sentence.⁷⁴

This was Lowe's cue to bring the government into the situation. In the Legislative Council he moved for copies of the proceedings of the Consistorial Court with regard to Russell and of all papers that might refer to the origin and jurisdiction of the so-called court. The house, he advised,

should look with jealousy on the assumption by any Court not recognised by the principles of English law . . . The civil law, and the powers exercised in the spiritual courts at home did not extend here.

Zealous watchdog for the rights of the Church of England,

⁷¹ Beamish outlined the details in his public statement printed in *SMH*, 5 January 1850.

⁷² Letter from J. Norton, Registrar of Sydney diocese, see *Statement by the Rev. F. T. C. Russell, B.A.*, p. 21.

⁷³ *SMH*, 26 July 1849, article, 'Consistorial Court'.

⁷⁴ *Statement by the Rev. F. T. C. Russell, B.A.*, pp. 19-20.

Cowper moved quickly. Confident that no other state-aided church would submit to the interference of the state in such a matter, he denied the right of the council to legislate for the Church of England in the matter under debate. Yet Cowper had to admit that 'the court was not so technically constituted as it might have been'. Alert to prevent government interference in any church, Plunkett supported Cowper: the council must not be converted into a court of appeal against the decision of any religious leader or tribunal. Lowe's too personal attack upon Broughton and Wentworth's cynical remark that the governor had the power of bringing the bishop to heel by suspending his salary aroused the sympathy of many of the legislature for Broughton who could not defend himself and the motion was lost. It was obvious, however, that, had Lowe been more circumspect in his language, his motion would have passed.⁷⁵ As it was, Lowe's motion had effective results. It had publicised what appeared to be the unjust results of an uncontrolled ecclesiastical autocracy and two leading laymen of the Anglican and Catholic churches, Cowper and Plunkett, had emphatically denied the right of the government to intervene in church affairs. The two corollaries were easily deduced. The laity must secure a just and equitable distribution of power within the Church of England and, if the government could not speak on church matters, it should not be financing any church.

In 1849, then, the Church of England was at the crossroads. The Sconce-Makinson defections and the Beamish-Russell cases had admirably served to convince the discontented that Broughton was encouraging a Puseyite clique that remained nominally within the Church of England only to receive government stipends and that was also tyrannically persecuting clergy uncontaminated by Tractarianism. Both issues significantly underscored the contemporary importance given to a state aid that enabled the bishop to rule the church as he pleased without clerical or lay advice. And lay opposition was formidable. Lay church officials, wealthy landowners of the inner rural area, city merchants and officials had been involved in the issues and were clamouring for greater participation in church affairs. Broughton was forced to

⁷⁵ *SMH*, 8 August 1849, report, LC.

read the writing on the wall and to take the action literally forced upon him to prevent a schism.

More than one factor, of course, had been working for the lessening of episcopal domination. Rev. Charles Perry, consecrated bishop of Melbourne in 1847, and Rev. William Tyrrell, consecrated bishop of Newcastle in the same year, also faced problems that necessitated greater co-operation from clergy and laity. The first step towards a revaluation of the nature and extent of authority in the colonial church was taken when Broughton summoned the Australian and New Zealand bishops to a conference in Sydney in October of 1850. Questions deliberated showed the bishops' critical realisation of the anomalous position of the colonial church that was aggravating the general discontent with church government: these questions included the position of the church in the colonies, clerical status, lay and clerical discipline, and the value of synods.⁷⁶ With the support of the other bishops' views,⁷⁷ Broughton then prepared for a conference with his own clergy. On 8 March 1852, he wrote a circular to each of his clergy advising the recipient to request his churchwardens to summon together pewholders and seatholders of his parish for a discussion on an establishment of a constitution for the government of the church so that each clergyman would be able to report his parishioners' views at the clerical conference on 14 April.⁷⁸

The lay meetings in 1852 revealed both the general apathy of the majority towards the welfare of the Church of England and the excitable yet determined temper of the very few who were concerned. The laity attending the various parochial meetings were suspicious of the suggested veto of the bishop on any synodical decision and, fearing lest the laity be conceded an inferior status if they separated from the clergy, were completely

⁷⁶ For details of the conference see F. T. Whittington, *William Grant Broughton*, pp. 207-26.

⁷⁷ The public's attitude to the conference was somewhat suspicious. *Empire*, 4 March 1851, printed a comment in verse.

How gravely sit these reverend Fathers down,
To link new chains to supplement the old:
To solder rusty bars for priest and clown,
And narrow to a cage th' Church's Fold!

See also *ibid.*, 24 February 1851, ed.

⁷⁸ Circular letter to all clergy. See Papers of H. T. Stiles, A269, ML.

convinced that clergy and laity should sit as one body in a synod presided over by the bishop.⁷⁹ Given an opportunity to air their grievances, some laymen made the most of it. The Chief Justice, Sir Alfred Stephen, forthrightly declared his democratic belief that it was 'impossible to give too much power to the laity, who were the principal components of the church'.⁸⁰ The parishioners of St John's, Camden, saw the problem of church government in its wider context. The proposed petition to the Queen, so ran one of their resolutions, 'would be manifestly defective and incomplete unless containing a statement of the serious and growing injury to the Church' occasioned by the imposition of the reserved £28,000 for public worship.⁸¹ At most meetings the people agreed that the general religious indifference of Anglicans was due to their exclusion from church government.

At the clerical conference on 14 April 1852, Broughton, despite his emphatic opposition to a single convention of clergy and laity, was finally forced to accept a compromise suggested by his adviser and senior minister, Rev. R. Allwood of St James's Church. Allwood's resolution was that the clergy and representatives of the laity should meet and deliberate together, each order reserving the right to discuss any question to come before them, and the 'concurrence of both orders should be necessary to give validity to any act' but that each group would vote separately. Broughton, however, retained his right of veto.⁸² When the petition to the Queen embodying the resolutions of the clerical conference was published the laity, as many of the clergy had foreseen, were incensed and they wrote vehement letters to the *Herald* summoning a counter lay meeting. T. S. Mort, wealthy merchant and businessman, summed up the general feeling when he expressed his fear that Broughton's petition 'would lead to the total disbanding of the whole body'. But, he continued, the laity could prevent schism because it was possible for them to 'withhold their support from the clergy altogether (Hear, Hear). Let it not be forgotten that they were the House of Commons in this matter (cheers), and they had the power to stop the sup-

⁷⁹ See *SMH*, 10 April 1850, article, 'St. Mary's Church, Balmain'.

⁸⁰ *Ibid.*, 3 April 1852, article, 'Parochial Meeting' at Christ Church.

⁸¹ *Ibid.*, article, 'Church Meeting at Camden'.

⁸² For accounts of the conference see *ibid.*, 15, 16 April 1852, articles, 'Meeting of the Clergy of the Diocese of Sydney'.

plies'.⁸³ On 18 May, at their major meeting, the Anglican laymen stridently voiced their grievances. All speakers upheld the Queen's supremacy in spiritual matters and believed that the bishop's veto would overthrow this. The revolutionary temper of the meeting was barely subdued in the drafted petition which was forwarded to the Archbishop of Canterbury, the lord chancellor and the colonial minister.⁸⁴ The vocal and active section of the laity had thrown down the gauntlet. They had made it clear that they wanted a democratic church government in order to purify and strengthen, so they said, the Church of England; some had been blunt enough to threaten that, if their wishes were not voluntarily granted, they would remove what they believed to be the bulwark of the bishop's power—state aid.

By 1850 the main churches in New South Wales were divided within themselves as well as jealously regarding each other's progress.⁸⁵ This far from Christian example given by many clergy and laity was largely responsible for a further widening of the gulf between church and state and a further alienation of the churches from vital, progressive elements in society. Both effects and the consequent attitude that the churches were no longer essential partners in the political and social worlds were highlighted in the university issue and in this the Anglicans, numbering half the population,⁸⁶ and the wealthier and more influential half, featured prominently.

⁸³ *Ibid.*, 6 May 1852, article, 'Meeting of the Lay Members of the Church'.

⁸⁴ *Empire*, 20 May 1852, report of meeting of Anglican laity.

⁸⁵ Lang and his congregation had separated from the Synod of Australia in October 1840 and he was organising a Synod of New South Wales around him in the 1840-50 period. In 1846 the Synod of Eastern Australia had separated from the Synod of Australia on the question of state aid. Wesleyans, too, had divided.

⁸⁶ The total population in N.S.W. according to the 1851 census was 187,243. Adherents of the Church of England numbered 93,137. Abstract of Returns of Population, *VPLC*, 1851, II, no. p.

6

Social Ferment

On 21 September 1849, Wentworth successfully brought in a bill to incorporate and to endow a university of Sydney. With church dissensions and rivalry in mind one can hardly wonder at his emphatic assertion that the university

was to be an Institution merely for secular education. This principle was absolutely indispensable: if they once introduced the principle of sectarian interference, all government of such an institution was at an end

for, if one sect asserted its supremacy, all others would retire from the project. He would very much like, Wentworth added, to exclude all clergy from the management of the university. James Macarthur supported him as he too believed that the university would thereby avoid the worst of all animosities, sectarian bitterness.¹ A select committee was appointed and presented a unanimous report embodying Wentworth's ideas. The university

must belong to no religious denomination, and require no religious test . . . its visitor must be a layman,—its governing body, laymen,—its professors, laymen. By no other means can it be made a truly national institution,—one to which all classes and denominations may resort for secular education, which, it must be obvious, is the only education it can impart, or suffer to be imparted, within its walls.²

The report had very much the ring of an anti-clerical manifesto: the churches appeared as working only for select groups and as such were blocking the path to national unity.

Debate over the composition of the senate led to the bill's withdrawal from the 1849 session but Wentworth reintroduced it in

¹ *SMH*, 5 October 1849, report, LC.

² *VPLC*, 1849, II, p. 539, report from the committee.

August of 1850 and it received the governor's assent two months later. Although the preamble stated that the purpose of the university was 'For the better advancement of religion and morality', the Act did not allow for either theological professorships or for religious tests of any kind.³ Comments on 'the irreligious scheme' were not lacking, and, as early as 12 October 1849, the *Herald* had warned Wentworth that he would meet trouble in excluding the clergy from the management of the university. The Church of England, the Catholic Church, private Presbyterians and Methodist groups presented to the Legislative Council petitions protesting strongly against the principle of a secular teaching university but, despite the objections to the godless university, the grand ceremony of inauguration was held two years after the Act had been passed. In his address the Vice-Provost, Sir Charles Nicholson, warmly praised what many had blamed. The university, he said, was to be a stimulus to equality and unity within the colony because it was 'Limited to no sect and confined to no class . . . [and] its sphere of action is calculated to embrace men of every creed and of all ranks'. A growing respect for the value of an education not steeped in religion was reflected in the speech of Rev. Dr Woolley, the Principal. He saw it as a matter for congratulation that the university had been the first to mark 'the boundaries of *Education* and *Secular Instruction*'.⁴ In such an attitude one can see the effects of the opposition of the two powerful churches, the Anglican and the Catholic, towards the introduction of a national system of education.

The Church of England, represented by Bishop Tyrrell in Broughton's absence,⁵ was the most strongly antagonistic of all denominations to the university and Tyrrell, observed a visiting Anglican clergyman, was 'rather arbitrary in his discipline, being of a "sic volo, sic jubeo" temperament'.⁶ Tyrrell could not approve 'The objectionable principle of the Sydney University, which prevents the cooperation of the Church of England, namely the total absence of religious teaching'. He was quite confident, he wrote, that Broughton would agree with him. A spate of letters followed. Although Tyrrell received some sup-

³ For the Act see *The Sydney University Calendar, 1852-53*, pp. 13-22.

⁴ *SMH*, 12 October 1852, article, 'Inauguration of the Sydney University'.

⁵ Broughton had left Sydney in August 1852.

⁶ H. Berkeley Jones, *Adventures in Australia in 1852 and 1853*, pp. 204-5.

port, Allwood preferred to withhold a definite judgment until Broughton's views were heard. Nicholson, the Vice-Provost, protested at the accusations of lack of religious teaching at the university and insisted that its aim was to aid all '*without any distinction whatsoever*'. He claimed, moreover, that Tyrrell's views were 'in opposition to the declared wishes of many of the clergy and influential laity'.⁷ In this he was accurate. Still infuriated and aggressive from recent examples of episcopal power undermining justice and thwarting lay efforts to establish a more democratic form of church government, Anglicans were grimly determined that this time the hierarchy would not obstruct their wishes and the educational progress of the colony.⁸ Their ultimate success over the hierarchy was significant.

The *Herald* published an advertisement inviting Anglicans who were desirous of promoting the institution of a college within the Sydney University to attend a meeting on 15 December. One of the promoters was a clergyman, Rev. F. Wilkinson, the incumbent of Ashfield. Although some wondered how such a contemplated college could be connected with the Church of England when the authorised representatives of the church refused to join in the scheme,⁹ the meeting took place with Sir Alfred Stephen in the chair. He believed, he declared, that Broughton would favour the formation of a college but there was no need to wait for his return as some had suggested because, even if Broughton gave an adverse opinion on his return, 'his individual opinion ought not to bear down and control that of the promoters of this college'. Only three voted for Rev. R. King's resolution to wait for Broughton's return. The number of clergy who publicly supported the project was by no means small: eight were present at the meeting, three sent letters of apology for absence while four conveyed their support through lay members.¹⁰ On 4 December Rev. W. Stack published a letter in the *Herald* in which he approved the college project: he recognised in it a necessary extension to the system of state aid. Tyrrell did

⁷ These letters were printed in *The Church of England and the Sydney University*.

⁸ *PA*, 13 November 1852, article, 'The University and the Clergy'. The attitude of the hierarchy, observed the writer, supplied proof to the assertions of those who said that the clergy were inimical to education.

⁹ *SMH*, supplement, 15 December 1852, letter, 'Robert L. King'.

¹⁰ *Ibid.*, 16 December 1852, article, 'Church of England College'.

not deny the duty of the government to provide state aid but, before the church could accept it in connection with a university college, the teaching of religion within the university had to be permitted.¹¹ The committee of the Anglican college finally suspended their negotiations and plans and their discretion was rewarded when Bishop Selwyn, visiting Sydney, was able to persuade Tyrrell that he would have to compromise. 'Something must be done', Selwyn wrote urgently,

as the Government are now offering four sites of twenty acres each for Denominational Colleges, and if we do not take some step, the self-constituted body calling itself Queen's College will very likely get possession of the grant for that portion which belongs to the whole Church of England.¹²

The two bishops met in late July and Tyrrell gave his formal approval after the senate had agreed to his stipulation that, before a degree or honour was conferred, there should be obtained 'a certificate of every student's competent religious attainment from the Principal of the Affiliated College of the religious denomination to which he belongs'. That Tyrrell's desire to heal the division within the church played a major part in his decision is unmistakably clear in his prayer 'that as what promised to be a permanent union had now been brought about, it would exert strength and influence'.¹³

The *Empire's* earlier criticism of the projected affiliated college scheme swelled to a climax. The scheme, it expounded, was 'a repetition of the existing Church and State System of this colony . . . Our public men have not sagacity enough to perceive that the thing is monstrous in its deformity'. From its origin the university had been pledged to religious neutrality and now the government encouraged affiliated colleges by the grant of 150 acres to the four state churches. The exclusion of other denominations aroused the *Empire's* deepest wrath:

the Church Act of Sir R. Bourke contains no warrant for the adoption of four denominations by the State, to the exclusion of all others; . . . in thus restricting it, the Government has taken upon itself the

¹¹ *Ibid.*, 25 December 1852, letter from Tyrrell.

¹² Letter, 6 July 1855, to Tyrrell quoted in R. G. Boodle, *Life and Labours of Right Reverend William Tyrrell*, pp. 157-8.

¹³ *SMH*, 1 August 1853, report of the meeting of the two bishops with Anglicans.

responsibility of counteracting the very design and purpose of that Act.

State aid was now clearly seen as the means by which the government granted recognition and civic equality to certain churches. The Church Act of 1836 had been perverted.¹⁴

After Lang's successful objection to the clause restricting the bill to four churches there were other reasons for objections to the affiliated colleges bill.¹⁵ The *People's Advocate*, looking askance at the government's 'more liberal feeling' in the bill, scathingly referred to

the absurdity of Government's placing itself in such a position, that without retracing its steps it must grant a sum of such magnitude [£ 10,000] to endow a college for any sect professing any absurdity.¹⁶

The government, commented the *Herald*, had not maintained its neutral attitude of 1850. But,

The great sin of the Bill, however, is the establishment of a religious test . . . a demand is made that every man shall subject himself to religious examination by some party accredited by the Senate, who, according to the answers he may give, shall have authority to fix his religious status, and thus to render him eligible for honours.¹⁷

The affiliated colleges bill and the bill to incorporate St Paul's College were, however, passed in December 1854. They were the realistic acknowledgment by a slim majority in the government that the churches were as yet too powerful for their leaders' wishes to be completely ignored. The Church of England, moreover, was forced to make the greatest concession: the university remained the sole teaching authority. The senate's concession to Tyrrell of the religious certificate was only temporary. When its purpose was achieved of inducing the Church of England to give the support to the university essential at that period for its survival, the clause was deleted in 1858. Ironically, Tyrrell's insistence on it and its retention for four years provoked an antagonism towards the churches in general and towards the Church of England in particular at a period when they could ill afford to lose sympathisers: the early 1850s were critical years for the churches as well as for the colony.

¹⁴ 21 December 1853, ed.

¹⁵ *SMH*, 23 December 1854, report, LC.

¹⁶ 6 January 1855, ed.

¹⁷ 1 December 1854, ed.

Reminiscing of Sydney in 1850, David Blair, prominent journalist in the 1850s, told the story of a wedding between the daughter of a fashionable family and a young Englishman, presumptive heir to a title in England. One of the gifts was a statuette of a marble gipsy girl dancing to her own tambourine and, on seeing it, the guests exchanged amused glances. All but the bride knew the significance of the gift: her maternal grandmother had once been notorious on the streets of Sydney as 'Dancing Sal'.¹⁸ Typical of the history behind many colonial families, the anecdote was typical also of the colony as a unit. By 1850, only some sixty years from the first settlement, the colonists were free men trying to ignore the old penal origins. The legend of the 'good' convict was also taking shape. Hunger, according to the *Empire* in October 1854, had forced many to crime; only one false step had sentenced many to transportation. After the separation of the Port Phillip area from the mother colony in 1851, New South Wales could number 187,243 people;¹⁹ of these 39 per cent were under fourteen years of age and a mere 12 per cent over forty-five; and, mingling with the original population, were 95,699 migrants who had arrived since 1837.²⁰ The colonists could well forget the shameful penal days and flaunt an optimistic credo in their new country's ability to create a heaven on earth. The old European way of life, constricted by numberless traditions and clogged by rigid class divisions, was not for the colonists of Australia. Seeing the influx of population and hearing the brave plans for the future when he visited New South Wales in 1851, G. C. Mundy observed that 'Colonists, in general, from their social constitution . . . are naturally apostles of Progress'.²¹ An earlier visitor wrote his impressions of the spirit struggling to dominance in the colony. All, he noted disapprovingly, 'love the name of independence . . . freedom is the word, a jealous eye is kept on the decrees of the Executive; a disregard for most European habits too generally prevails'.²² Dr John Woolley, Chancel-

¹⁸ D. Blair, 'Sydney in 1850: Morals and Manners', *Centennial Magazine*, I, p. 685.

¹⁹ Clark, *Select Documents, 1788-1850*, p. 405.

²⁰ Returns of Immigrants, *VPLC*, 1849, I, p. 770, and *VPLA*, 1860, p. 317.

²¹ C. P. Hodgson, *Our Antipodes: or Residence and Rambles in the Australian Colonies with a Glimpse of the Gold Fields*, III, p. 136.

²² *Reminiscences of Australia with Hints on the Squatter's Life*, pp. 139-40.

lor of the University of Sydney, testified to the prevailing belief among the migrating workers and middle class 'that in *this country it is their turn to have the best of it*'.²³ And, no doubt intoxicated by the discovery of gold four months previously, the *Empire* proclaimed to the world that

Australia is already great, and rich, and honoured . . . she has climbed from the abyss, and has the boundless plains before her, for her race of splendour. The present is her hour of exultation.²⁴

A new social order was emerging and the excitement at its birth is still palpable in the newspapers of the colony. 'Old things are rapidly passing away', announced the *People's Advocate* on 9 December 1848 with all the brashness of a week-old paper, 'a new empire, the empire of *right* is about to be established'. Translated into more prosaic terms this meant the disappearance of the 'unproductive aristocrat' and the acknowledgment that, because 'All power springs from the people', the people should rule. Since the 'Government derives its power from the People and the People only' the workers must realise their rights. Manhood suffrage was the panacea for all ills. Without full representation 'Can we wonder', queried the *Empire*, 'that our colonial youth . . . should degenerate into a body of vain, sordid, money-getting schemers, with no passion but for gain?'.²⁵ In its first issue the *Catholic Freeman's Journal* gave full support for the extension of the franchise: manhood suffrage was 'the broad and safe path whereby the people can advance on their way to the Temple of Civil and Religious Freedom'.

It was the *Empire* that won the laurels for persistent and effective advocacy of manhood suffrage. The editor for some seven years was Henry Parkes with 'that lofty and commanding figure and that large and lion-like head . . . those strongly incised rugged features' which David Blair admired²⁶ and Parkes had promised in the first month of his paper's publication that he would fight for manhood suffrage. He waxed lyrical on the necessity for it:

²³ J. Woolley, *Lectures delivered in Australia*, p. 133.

²⁴ 24 June 1851, ed.

²⁵ 19 February 1851, article, 'Colonial Ambition'.

²⁶ D. Blair, 'Henry Parkes in 1850: a Recollection', *Centennial Magazine*, I, p. 617.

In a Colony like ours, planted in the very lap of nature, we contend that all have a fair and equal race before them, and are entitled, without let or hindrance, to share the beneficence of earth and heaven alike.

Parkes's feet, however, were firmly on the ground. If manhood suffrage were to be fruitfully achieved then the workers had to be worthy of it. An object of the *Empire*, therefore, was to seek the social and political elevation of the working classes so that they might belong 'to the glorious rank of intellectual labourers, with noble aims and purposes'.²⁷ The implication was obvious. The workers, the people, once educated and once in control of the government, would eradicate all wrongs. Because the new system of government, democracy, would create a Utopia it necessarily followed that the old system had been responsible for the wrongs endured by society as a whole. The unsophisticated workers, still gladly accepting middle-class leadership, were willing to believe that the ruling caste, the 'aristocrats', were the major enemies to progress and that the 'fundamental conflict was between the "aristocracy" and the rest of society'.²⁸

However inevitable may have been the association of the colonial church with the old autocratic government originally established to rule a penal colony, it was an association that held dangers for the church. With the demand for change in the government came demands for change in its partner, the church. The system of both state and church government smacked too much of old Europe. In the 1830s in New South Wales the spread of religious truth was regarded as the *sine qua non* of successful government; by 1850 education was being substituted for religion. There was another difference. Those who had believed in the power of religion to transform convicts and their unruly progeny into good and useful citizens were leading men of state and church, men such as Bourke, Plunkett, Broughton, and Polding; those who in 1850 emphasised the all-powerful influence of education were often men of the people, men such as Parkes, largely self-educated and struggling to make a living. The churches had never been blind to the dangers resulting from the increasing adulation for what they termed secular education and they spoke

²⁷ 23 January 1851, ed.

²⁸ L. J. Hume, 'Working Class Movements in Sydney and Melbourne before the Gold Rushes', *HS*, IX, pt 35, p. 273.

out against the assumption that the effects of secular education could substitute for those of religion.²⁹ But the defence of the denominational system of education often provided ammunition for the attack on it. Archdeacon Cowper argued that, because the government could not provide a national system of education based on religious truths that would be acceptable to all the denominations in the colony, it should rely solely on the denominational system. If this argument were valid then it could be turned into a very satisfactory conclusion for many people: the government should only provide a secular education. Polding added his contribution to the issue when he told Catholics that the duty of giving religious instruction devolved in the first instance on the parents 'who possess the unquestionable right of educating their children as they thought best'.³⁰ And years later the *Empire*, the advocate for the national system of education, placed the duty of religious instruction squarely on the shoulders of the parents.³¹ The opponents of denominational education could thus argue that the government had no obligation either to impart religious teaching or to ensure that it was imparted. The denominational system was itself under fire. The clergy, it was complained, grossly mismanaged the schools, the teachers were inefficient, and the schools were expensive as they were needlessly multiplied due to church rivalry.³² The *Empire* saw the tussle for control over education as one between the clergy and the laity, at least of the Church of England, with control of the minds of the next generation as the prize.

Education not religion would now make good, honest citizens: 'people', remarked the *Empire* in October 1853, 'may be vicious with an abundance of useful instruction, but they *will* be so to a moral certainty, if that instruction has been withheld'. Education, it assured its readers, would raise the morals of society and 'Real moral training is religion in earnest'. Education would inculcate self-discipline; indolence would be replaced by industry, frivolity by earnestness: 'All this is moral'. There were, of course, some who spoke out against the fallacy of believing that morality could

²⁹ See *VPLC*, 1844, II, no p., evidence given by ministers to the committee on education.

³⁰ *SMH*, 10 October 1844, for reports of Anglican and Catholic meetings.

³¹ 24 October 1854, ed., 'National Dependence'.

³² *Empire*, 22 January 1851, ed.

be taught without religion.³³ For a growing number of people, however, morality became the prerogative of education and not of religion and this harmonised with the colonial drive for unity. In 1850 the *People's Advocate* neatly removed religion from the concern of society as a whole: only man's 'moral life, his social virtues or his vices are naturally the concern of those who travel with him the pilgrimage of earth'. The *Empire* agreed:

The morals of a community are within the province of secular Government, because they are immediately concerned with all secular interests. Religion, in its doctrinal forms, does not touch these interests as to be within the province of a secular Government.

Then the *Empire* perhaps touched on its basic reason for separating morals from religion: 'No one can doubt about moral duties, or dispute about them; everybody can dispute about religious doctrines'.³⁴

These attitudes also harmonised with the desire to separate church from state, 'the great question of the age'.³⁵ Church-state relations were seen as obstacles to democracy: 'the affinity between political and ecclesiastical absolutism. . . . Nothing is so favourable to tyranny as ecclesiastical power'.³⁶ Lang, too, was voicing the same opinion. Having posed the question, 'Is the Propagation of Christianity a Proper and Legitimate Object of Colonisation for any Government?' he gave an unequivocal reply. 'Governments are instituted for the protection and furtherance of the temporal interests of their subjects: they have nothing to do with the concerns of eternity'.³⁷

Unity was fast becoming the Holy Grail for New South Wales. One of the most telling factors against the denominational system of education was the belief that it was a breeding ground for a religious bigotry that kept the colonists suspicious and divided and bigotry was also associated with the old way of life that Australia should renounce. The *People's Advocate* maintained that the colonists 'ought to have nothing to do with the feuds and animosities of the old countries' and then explicitly urged the avoidance of religious dissensions.³⁸ The *Empire* saw state aid to

³³ See W. Denison, *Varieties of Vice-Regal Life*, I, p. 223.

³⁴ 17 March 1853, article, 'State Encouragement of Elevating Influences'.

³⁵ *Empire*, 15 March 1851, ed.

³⁶ *Ibid.*, 19 May 1852, ed.

³⁷ *Freedom and Independence for the Golden Lands of Australia*, p. 14.

³⁸ 23 June 1849, article, 'To the Working Classes of New South Wales'.

the churches as a supreme obstacle to unity: it served the purpose of faction, detrimental to the essential unanimity in state affairs—'Political differences ought not to be augmented by the intermixture of religious acrimony'.³⁹ Woolley saw the church not only outside but as an impediment to the movement for unity:⁴⁰ 'the different sections of religious men', he said on one occasion, '[should] learn, instead of "biting and devouring one another", to look for and recognize the *common bond of brotherhood*' and work together to ameliorate social evils.⁴¹ It was thought like this that helped to elbow religious matters out of politics.

The churches, therefore, were implicitly and often explicitly accused of failing in what had always been assumed as their particular *raison d'être* in New South Wales. Increasingly, faith and hope were being placed in the new redeemer, manhood suffrage exercised by the educated. If the churches were not fulfilling their obligations towards society, then, so society began to ponder, why should the state financially assist them? The Jewish issue in the 1840s had revealed that state aid could no longer be viewed simply as government subsidy to Christian churches. It had become a criterion for the government's recognition of equality and justice for all men. And the university issue had been the government's attempt to side-step church influence in an education which it was determined to control because it was now recognised as a growing factor in sustaining government itself. The distance between the churches and the progressive aims of society was widening: the churches no longer seemed an active and vitalising social element.

Only the few became involved in the question of education and its control. The early 1850s with their disrupting excitement of the gold discoveries was a period that heightened the materialism already rife in the colony, a materialism that corroded the influence of the church over the people.⁴² There is no lack of

³⁹ 11 March 1853, ed.

⁴⁰ Woolley, *Lectures*, p. 82.

⁴¹ *Ibid.*, pp. 143-4.

⁴² A reference to the great increase in the number of immigrants who came to N.S.W. after the gold discoveries had been publicised indicates the growing number of people who were dominated by material interests. In 1852, 8,762 immigrants arrived; 1853, 13,767; 1854, 10,002; 1855, 17,683; 1856, 16,001. Returns of immigrants, *VPLA*, 1861, II, p. 664.

testimony to Australian materialism. 'Men's minds', remarked the editor of the *Freeman's Journal*, 'are now so much engrossed in the pursuit of material objects . . . they seem to forget the end for which they themselves were created'.⁴³ Wealth was not only moulding the attitudes of man. Visiting Sydney in the gold rush period, William Howitt was impressed: 'all is stirring, wealthy and brilliant', he commented, 'and it is much easier to imagine yourselves in a substantial English city, than in this comparatively new creation of the antipodes'.⁴⁴ In such an atmosphere of fevered excitement at a time when men were practically and enthusiastically concerned in the search for gold, it is understandable that religious issues, such as the value of the state aid system, should fully involve only a few men.

In the middle of the nineteenth century many events turned the minds of the colonists towards the position of the church in society. One, the movement against the renewal of transportation, became a signal for public censure of the clergy and their failings were often seen as the result of state aid. The clergy as a whole were charged with neglecting to take an active part in the anti-transportation movement.⁴⁵ The *People's Advocate* alleged that, at the various meetings, there was 'an almost total absence of clergymen, as well as of vagabonds, thieves, and squatters'.⁴⁶ So the clergy were associated with the colonial aristocracy, indifferent to all but their own needs, and with the parasites of society who would not work honestly for their living. The clergy, it seemed, were not at one with 'the largest class of men in the colony—the working class'.⁴⁷ The *People's Advocate* did not fail to emphasise the matter of state stipends and the lack of clerical involvement in social issues. There was nothing more

⁴³ 7 November 1850, article, 'Injunctions of the Holy See on Education'.

⁴⁴ W. Howitt, *Land, Labour and Gold*, II, p. 348.

⁴⁵ The accusation that clergy were uninterested in the transportation issue was not fully accurate. Some clergy actively supported the anti-transportation movement. But those clergy who favoured the voluntary system certainly were the most active in the movement. At the meeting opposed to transportation, 16 September 1850, Rev. J. McEncroe spoke and so did Rev. J. Beazley (Congregationalist), J. D. Lang, Rev. W. B. Boyce (Wesleyan), and Rev. Dr R. Ross (Congregationalist). See *PA*, 21 September 1850, report of meeting.

⁴⁶ *Ibid.*, 12 May 1849, article, 'The Clergy and Mushrooms of Sydney'.

⁴⁷ Parkes's speech at the protest meeting held when the convict ship, *Hashemy*, arrived in Sydney. *SMH*, 12 June 1849, report of meeting.

common, it assured its readers, than hearing a clergyman 'plead his position as an excuse for being exempted from duties not literally prescribed by the law which regulates his stipend'. The clergy, fumed the *People's Advocate*, should be in the forefront of the opposition to the renewal of transportation. By claiming that they should not meddle in politics, the clergy were turning a blind eye to their responsibility to uphold morality.⁴⁸

The *Empire* entertained much the same views and more closely identified the clergy's lethargy with the existing relations between church and state. How could the state aid system in New South Wales, queried the *Empire*, be justified? The government either recognised all four state-aided churches as true—or supported truth and error alike. If the system were to continue then all churches should participate: 'The system, as it at present stands, is partial, inadequate, and unjust in the extreme'. Moreover, it served 'to debase and emasculate our clergy' by encouraging them to side with the government even on issues such as transportation that were detrimental to the interests of the people. 'Among the great and growing social evils of the Australian communities', the *Empire* gave its decided opinion, 'is the monstrous system of supporting all sects alike from the public treasury'.⁴⁹

The *Empire* also criticised the inter-church rivalries which, it believed, were, 'beyond doubt, attributable to the operation of our most vicious and unnatural system' of state aid.⁵⁰ More than once the *Empire* emphasised the difference between the Church of England in the mother country and in the colony. The whole body of the clergy as well as the bishops enjoyed 'a superior social position in England'. Not so in the colonies. In England the Anglican ecclesiastical system was very closely interwoven with the framework of society 'and its claims to consideration are founded, in a great measure, upon an exclusive State endowment' but in New South Wales where there were several established churches 'The prejudice in favour of the Established Church in England has not the same force'. The colonial clergy, warned the *Empire*, would fail in their work if they presumed on the same foundations in New South Wales:⁵¹ 'unless some

⁴⁸ 12 May 1849, article, 'The Clergy and Mushrooms of Sydney'.

⁴⁹ 4 April 1851, ed.

⁵⁰ 10 July 1851, ed.

⁵¹ 28 February 1852, ed.

extraordinary revolution takes place within her [the Church of England]—she is not destined to be the “Church of the Future” for Australia’. Much of the blame was placed on the hierarchy for the *Empire* maintained that ‘The Establishment rises or falls with the Episcopacy’. The editor pointed out that the colonial bishop

has none of that *prestige* which attends a Spiritual Lord in the mother-country. He is a simple priest, with a more pompous title. The stability of his office depends on his own earnestness and energy. No external props are there to sustain him, if he lacks self-supporting power.

According to the *Empire*, the colonial bishops did lack this power and, as a result, ‘They refuse to fall in with the spirit of the age’.⁵² There was also a specific accusation. When the Crown Revenue receipts and expenditure were published, the *Empire* was quick to comment on the withdrawal of £2,000 from the Church and School Lands Fund for a state contribution towards the building of an episcopal residence for the Anglican bishop of Melbourne. ‘Misappropriation’, stormed the editorial and direly prophesied that ‘a day of retribution is not far distant’.⁵³

The *People’s Advocate* also kept an eagle eye on the funds appropriated for public worship. Early in 1850 it mentioned a fact rarely commented on: in 1842 the population of New South Wales had been 157,085, in 1850 it was 265,503, yet the amount appropriated for the churches had remained the same. Large numbers of people, observed the *People’s Advocate*, must either be destitute of religious instructors or there must be many ministers relying on voluntary support. In either case it held that the voluntary system was far superior to that of state aid. For one thing, ‘wherever a State-paid religion prevails, there the People are more or less slaves’. For another, in a few years, with the inevitable increase in population, the financial burden on the state would be ‘either most intolerable, or it will be so partial in its operation as to present a specimen of the most glaring injustice’. Moreover, the people had a duty to support their clergy and, unfortunately, it was only from motives of state policy that this duty had been taken from them for ‘the clergy are always an

⁵² 17 June 1851.

⁵³ 4 July 1851.

influential body, and if the Government can win them to its side, it may securely trample on the people'. The great apathy of the people in religious matters, according to the *People's Advocate*, stemmed from state aid that separated the people from their pastors. Touching on what was to become a major objection to the continuance of state aid, the editor emphasised the Church Act's lack of provision for the interior 'where the influence of religion is most needed'.⁵⁴ Although the paper's columns were opened for the discussion on the question of state aid, the complaint of religious apathy was justified. No one accepted the editor's invitation.

With the prospect of a new constitution for New South Wales and the abolition of the schedule, state aid loomed larger in men's minds and became increasingly a political issue. On the objection that it would be unjust to stop the stipends to the clergy when the schedule was withdrawn, the *People's Advocate* referred to the Church Act, basis of the schedule, and reminded

the public that when the celebrated Church Act was made the law of this Colony, the old rotten system of Government existed, and the people had no representatives in the Council. The Act, therefore, cannot be regarded as the Act of the People of New South Wales; it was in fact an emanation from the 'old ladies' of Macquarie-street.⁵⁵

Before the 1850 constitution bill was finally drafted, the British parliament appointed committees to examine various aspects of it. With regard to the £30,000 allotted to public worship, the relevant committee stated that 'the proposed Legislature ought not to possess the unrestricted power of altering the existing arrangements'. Aid to the four churches already government-supported should be continued under the existing arrangements and, if any other church should, in the future, be endowed, then the endowment should be obtained 'by an additional charge on the revenue of the province, and not by a deduction from the revenue of any one of the four endowed churches'.⁵⁶ It was not language calculated to please the colonists. When the Constitution Act was received in New South Wales in 1851, the *Empire* termed the

⁵⁴ 23 March 1850, ed.

⁵⁵ 23 February 1850, article, 'The Schedule for Public Worship, and the Proposed Petition to the Queen'.

⁵⁶ See Great Britain: Parliamentary Papers, Australia, Constitutional, I.

inclusion of the schedules 'one of the most flagrant of our constitutional abuses' and urged the legislature to protest.⁵⁷

On 8 April 1851 Wentworth moved for a committee to be appointed to prepare a remonstrance against the new Constitution Act and twenty-one days later the report was brought in. The schedules were first on the list of complaints and throughout the report smouldered the resentment that Britain would not officially recognise the ability of New South Wales to achieve full independence.⁵⁸ The *People's Advocate* stated that 'The Government is wholly irresponsible to the people' because, although the people paid the taxes providing the money for the schedules, their representatives could not interfere with the payment of the salaries.⁵⁹ The old cry of 'No taxation without representation' was reiterated: 'why', the *People's Advocate* questioned, 'without her [Australia's] consent, shall her money be expended in a manner which is opposed to the principles of many who contribute towards her Revenue?'⁶⁰

The first session of the new Legislative Council adopted the report and forwarded a petition and remonstrance to the imperial parliament. Insensitive to the popular opinion in the colony, Grey wrote to FitzRoy that he was surprised at the strong reaction to the Act.⁶¹ FitzRoy's despatch to Grey 'earnestly recommending' the petition from the Legislative Council was written at the same time but it was Sir John Pakington, replacing Grey as secretary of state in February of 1852, who finally gave New South Wales the permission to adopt its own drafted constitution.⁶² The problem of the British-imposed schedules was at length solved. The new Civil List specified that all the colonial revenue would form one consolidated revenue and that an amount not exceeding £64,000 should be set aside for salaries and pensions of the lead-

⁵⁷ 17 March 1851, ed.

⁵⁸ Not only had the first two schedules been increased but so had that for public worship. The schedule had been fixed at £30,000; this was now altered to £28,000 but, as the population of N.S.W. would be diminished with the separation of Port Phillip, this actually meant an increase. Report printed in *VPLC*, 1851, I.

⁵⁹ 27 January 1849, article, 'Responsible Government'.

⁶⁰ 23 February 1850, article, 'The Schedule for Public Worship and the Proposed Petition to the Queen'.

⁶¹ Despatch, 23 January 1852, *VPLC*, 1852, I, pp. 455-6.

⁶² For despatches see *ibid.*, 1853, I, no p.

ing officers of judicial and administrative establishments and cost of maintaining public worship. Although the unpopular overtones of British imposition still clung to the funds, £28,000 assigned to public worship, state aid had become solely a matter for the colony. The *Empire* sourly offered advice. There was an imperative necessity for the legislature to examine minutely how its financial grants to the churches were expended: 'Too much has been taken for granted; courtesy has been extended beyond justice'.⁶³ Regretting the continuance of state aid as much as the *Empire*, the *People's Advocate* was very practical. As the number of clergy in the state-aided churches would increase, the new ministers, not receiving state aid, would be unjustly placed in an inferior position to those who did and yet 'it is impossible that we can go on continually adding to this sum, because if we did so it would in time eat up the whole of our revenue'.⁶⁴

During the period of the constitutional controversy FitzRoy had been in a dilemma. He informed Grey that, on his re-appointment as governor-general, the instructions under the Royal Sign Manual had omitted to give any direction or order for the mode of distributing the funds for public worship as set down by schedule A, part 3, annexed to the 1850 Constitution Act. Until he did receive instructions, FitzRoy wrote, he would continue to distribute the money according to the previous arrangement, that is, by the 1841 census. He suggested, on the advice of his executive council, that a permanent arrangement should be made, based either on the 1846 or 1851 census. He also suggested that the entire sum for public worship should be made available for stipends only and that the funds needed for building purposes should come from the Church and School Lands Fund with the understanding, he hastened to add, that annually 'any balance which may remain to the credit of either of those funds, may be applied by the Government to the purposes of the other'. At the end of his despatch FitzRoy attached the opinions of the leaders of the respective denominations: they each concurred in the suggestions. On the reception of FitzRoy's despatch, Pakington officially agreed to his suggestion that the 1851 census should

⁶³ 25 August 1852, article, 'Whose are the Waste Lands of the Colony?'

⁶⁴ 25 September 1852, ed.

become the permanent basis for the distribution of state aid to the churches.⁶⁵

Sectarian bitterness flared again in 1851 and underscored the disruptive force of religion in a colony striving for unity. For the first time since 1843 religion was an issue in elections, an occurrence that caused the government some misgiving and increased the pressure on it to withdraw from an association with the church. On 21 May 1851, the *Herald* reported that the Catholics of Sydney were deliberately seeking the election of Alexander Longmore on the grounds that he was a Catholic and their numbers justified having their own representative. 'Hitherto, in this colony', observed the *Empire*, 'no religious feeling has been manifested, except episodically, in the business of our elections' but times, unfortunately, had changed. The *Empire* on 24 July reported a meeting of Longmore's friends and, under the provocative caption 'The Cloven Hoof', attacked the 'fierce spirit of bigotry' in McEncroe's speech in which he urged Catholics to vote for Longmore.

The *Herald* was less persistent but just as caustic about 'this firebrand' of religious discord. It noted that the committee appointed by the Catholics to work for Longmore's election had stated that, because there was no elected Catholic member of the Legislative Council, the Catholics were being taxed without representation.⁶⁶ Beyond referring to Protestant sneers at Catholicism⁶⁷ and upholding McEncroe's contention that Catholics, a third of the population, should have a Catholic representative, the *Free-man's Journal* kept a discreet silence.⁶⁸ The *People's Advocate* deplored the introduction of Longmore as a political candidate solely on the one qualification that he was a Catholic and condemned Parkes's articles in the *Empire* as ones that would inevitably inflame religious animosities.⁶⁹

The growing emphasis on unity and the tendency to avoid

⁶⁵ For despatches see 'Further Papers Relative to the Alteration in the Constitution of the Australian Colonies', pp. 1-2, bound in Colonial Papers: Australian Constitution, 1849-55.

⁶⁶ 21 May 1851.

⁶⁷ 29 May 1851, ed.

⁶⁸ 31 July 1851, ed. In 1851 Catholics actually formed 42 per cent of the Sydney population. Abstract of the Returns of Population, 1 March 1851, VPLC, 1851, II, 2nd session, no p.

⁶⁹ 2 August 1851, ed.

discussing religious differences, together with the fear aroused by a recent increase in the number of Irish Catholic female immigrants,⁷⁰ helped to make the issue the more inflammable. Longmore realised the need to appeal to a wider section of the people than merely to Catholics and, promising that 'I shall ever deem it my duty to resist *class* legislation', he alleged that he came forward, not as a Catholic appealing solely to Catholics, but 'as a citizen, throwing myself on the support of all my fellow-citizens without respect of creed'. But, on the occasion of his defeat, the *Herald* attributed it to

all the influence of the Roman Catholic priesthood, a circumstance which caused some of the more intelligent of that body to vote against him, on the principle that priestly interference at elections should be discouraged.⁷¹

Transportation, the need for national education and the schedules, connected with which of course was the state aid question, were the major planks in the 1851 electoral platforms. In his electoral letter Charles Cowper, acknowledging that the establishment of a state church was 'now wholly impossible', warned the denominations receiving state aid that they should prepare for an immediate future without what was already 'wholly inadequate' government aid. Lang naturally opposed the schedules. Politically astute, he realised that there were still 'differences of opinion on this point among the liberal portions of the community' so he promised the voters that he would not as yet press the abolition of state aid with great urgency. Clear indication that public opinion was swinging in favour of the voluntary system was seen when men who supported the state aid system were careful to promise that it would continue only 'in strict accordance with the Church Act'.⁷² State aid, however, was not a vital issue at the elections and they were, except for the Longmore element, dull. Cowper was disappointed at 'the political apathy

⁷⁰ In the ed. 13 March 1850, the *Herald* reported that some 2,500 Irish female immigrants had arrived in the colony since October 1848 and more were daily expected. The colonists, claimed the *Herald*, complained that 'their unmarried youth are coerced into matrimonial alliances with Irish Roman Catholics. They complain that the direct tendency of this system is to undermine their nationality and their religious faith'.

⁷¹ 17 September 1851, ed.

⁷² See *SMH*, J. Lamb's electoral statement.

prevailing through the country'.⁷³ The elections, as the *Empire* ponderously put it, 'have taken place at a period when the peculiar circumstances of the colony have diverted men's minds from all consideration of a purely political nature'. Gold so occupied men's minds that thirteen out of twenty-eight candidates were returned without even a nominal opposition and in the Sydney area less than half the voters recorded their votes.⁷⁴

During this period the event which attracted most attention to the existing state aid system was the renewal of the Jewish petition to participate in its distribution. From 1849 the Jews had patiently awaited a Constitution Act that would include provisions enabling them to receive state aid and so an official acknowledgment of their equal status with every British citizen in the colony. When it was obvious that the pattern of the 1842 schedules was to be repeated, Wentworth again presented their petition to the Legislative Council in 1853. They now requested a stipend for a chief rabbi whose services they had engaged in London. Moving for an address to the governor-general to ask him to send down a bill to authorise the payment of the stipend, Wentworth pointed out that this was the only method by which it could be granted—Grey had expressly stated this when he refused to grant the stipend from the schedule in 1847. The Colonial Secretary, Deas Thomson, opposed the motion. It was not, he said, a simple matter because 'It involved the whole question of the appropriation of the funds set apart for religious purposes'. The arrangement had just been made whereby the amount for public worship was set aside for four existing sects only and the amount was divided proportionately according to the 1851 census. He revealed a weariness of the perpetual problem state aid presented to the government: 'if any departure were made from the present regulation, it would open the whole question' and other denominations would be seeking government assistance.

More than one member, agreeing with Wentworth's loyal supporter, G. Nichols, that 'the time was not far distant when the voluntary principle would be carried out in its entirety', voted for the Jewish stipend. He could not understand, Nichols confessed,

⁷³ *Ibid.*, 20 September, 1851, letter to John Campbell.

⁷⁴ 25 September 1851, ed. There were 5,715 names on Sydney's electoral roll but only 2,499 voted, *ibid.*, 19 September 1851, ed.

why the government, having given money to the University of Sydney, 'an establishment which professed no religion', should refuse aid to the Jews. Before an emotional debate on the relation of government and church could occur, T. A. Murray, a landowner and politician who was dependable for his commonsense views, opposed Wentworth's motion on a practical and logical basis: 'over and over again the Council had refused to exceed the schedules of the Constitutional Act', were they now to do so, thereby tacitly approving the British-imposed schedules? Lest his negative vote should be thought uncharitable, Murray concluded by referring to the fact that 'the Jews as a body, or a sect, were the wealthiest, in proportion to their numbers, of the community'. Loud cries of 'Hear, Hear' followed his speech. Despite Wentworth's final appeal to the old argument that money was well spent on 'moral and religious instructions', his motion was defeated.⁷⁵

Without doubt encouraged by the strong move to increase the stipends of clergy of the four state-aided churches—an attempt which, if successful, would break the long-held principle that the schedules should never be supplemented—the Jews again petitioned for aid in 1854, this time, as Wentworth was overseas, through Nichols whose mother was Jewish. Following Wentworth's pattern he emphasised that the purpose of the Jews was not to gain money but to gain justice. But C. D. Riddell, Colonial Secretary, kept the issue tied to the schedules: 'no sum of money additionally could be paid for such purposes without supplementing the schedules'. Then he brilliantly undermined Nichols's main argument. If the council agreed to the Jewish stipend, it would have to come out of the general revenue and so have to be voted annually: 'therefore they [Jews] would not be placed upon the same footing with those who received aid for the maintenance of their ministers from the schedule'. Riddell also carried Nichols's argument to its logical conclusion. 'If this argument of the honourable member went for anything', he said, 'then the Government would be bound to make provision for every sect or creed pro tanto'. But, by a majority of ten, Nichols's motion was passed.⁷⁶

Mindful of Grey's refusal of the same request in 1847 and of

⁷⁵ *Empire*, 21 September 1853, report, L.C.

⁷⁶ *Ibid.*, 23 August 1854, report, L.C.

his reprimand, FitzRoy refused to consider the proposed bill. The council then demanded that the petition be forwarded to the secretary of state for colonies.⁷⁷ With Lord John Russell the issue was finally concluded. 'I regard it as one wholly for the decision of the local Legislature', he wrote to Governor-General Sir William Denison, 'and it will be desirable that you should comply with the Address of the Council unless special circumstances should induce you to think it inadvisable'. Denison hastened to send his message of approval to the council and suggested that, as the question of state aid would in all probability be considered by the legislature in the next session, the simplest course would be to place the required sum for the stipend on the estimates. His advice was adopted and for three years, 1856 to 1858, the Jews were granted the stipend.⁷⁸ The grant was for them a triumph. They sent a letter of appreciation to Nichols in which their jubilation was scarcely restrained. 'They consider this', wrote Jacob Marks on their behalf, 'as a great triumph of the cause of civil and religious equality by securing to them their rights as citizens irrespective of their religious belief'.⁷⁹ There could be no doubt that the Jews had sought the stipend for this one reason. They believed that a voluntary system would be preferable in New South Wales 'thereby tending materially to quench the fires of religious bickering and jealousy', and that the time when it would be in operation was not far distant.⁸⁰

The Jewish petition was renewed—doubtless deliberately—at a period when the colonial government was considering the grant of a supplement to the schedules. The old argument of refusing the stipend to the rabbi on the ground that, if granted, it would be the government's acceptance of the right of Britain to impose schedules could no longer be pushed. For most people the Jewish issue was 'a political and not a religious question'.⁸¹ As Parkes succinctly said, 'the Jews had as much right as any other body to the support of the State, as they contributed equally to the burdens of the state'.⁸² First stating its opposition to state aid and its

⁷⁷ *VPLC*, 1854, I, 3 October, p. 259.

⁷⁸ For despatches see *ibid.*, 1855, I, p. 909.

⁷⁹ Copy of letter in report of a special meeting, 30 September 1855, Sydney Synagogue Minute Book, 1852-58, pp. 80-1.

⁸⁰ *SMH*, 1 August 1854, letter, 'A Descendant of Aaron'.

⁸¹ *PA*, 26 August 1854, ed.

⁸² *Empire*, 23 August 1854, report, LC.

contention that, so long as state aid was given, all who desired it should be aided, the *People's Advocate* then revealed its major reason for supporting the Jewish grant:

What we more particularly complain of is the manner in which the Legislature is trammelled by the underlings of the Colonial Office, and the degradation to which the representatives of the people have to submit, by sending an act of their own body voting away a portion of their own money to England, for the approval of some obscure clerk in Downing-street.⁸³

One wonders if the grant was sought by Wentworth, not so much as an act of justice but as a gesture of defiance, as a testing ground for the political strength of the colony.

The Jews, however, with their emphasis on justice and equality in their long fight for state aid, had, almost annually, brought to public notice the fact that the government was aiding only four churches even though numbers had not been stipulated in the Church Act passed by Bourke, the principles of which had, in the process of time, 'got entangled with some distinctions foreign to that Governor's wishes'.⁸⁴ The legend of the great liberal governor and of the magna charta he presented to the colony could continue inviolate: what appeared to be the Act's unjust principle was in reality the work of other men. Such thoughts separated the existing state aid system from that intended by Bourke. State aid, therefore, was more vulnerable to attack and its prestige waned. When the Jews were finally granted state aid the basis of what was definitely Bourke's ideal was broken for Bourke had visualised the Christian church as the bulwark of the Christian state. When state aid was given to a non-Christian sect this ideal was abandoned. The Jewish grant became strongly indicative of the precarious position of state aid: there was no doubt in the mind of any Christian man that the government was aiding religious error. It was obvious, too, that the government was gradually shrugging off its obligations to the Christian church: the Jewish grant was in keeping with government support for a national system of education, for a university proud that it sponsored no religious teaching. The government was seeking the same object as Bourke had in the early 1830s, but its money

⁸³ 7 October 1854, ed.

⁸⁴ *Empire*, 24 September 1853, ed.

began to back more heavily other means of securing 'to the state good subjects, and to society good men'.⁸⁵ By firmly aligning state aid with politics rather than with religion, the Jewish issue also helped to make the question of the continuance of state aid more mundane, and so more easily dealt with.

Finally, there was another circumstance in the early 1850s that brought the state aid question into the limelight. This was the crucial period of the gold-rush years. The rapidly increasing population forced men who had favoured the *status quo* to realise that the *status quo* was no longer possible. More and more clergy were needed and yet, every year, increasing numbers of clergy had to depend on voluntary support and so became living reminders of the injustice of the existing state aid system even within the four churches participating in it. The early golden years had another effect. Living costs spiralled and the average stipend of £200, barely adequate in 1836, became ludicrous as the sole support for a clergyman and his family. It was this latter effect that occasioned the first public inquiry into the practical working of the state aid system.

⁸⁵ Bourke's 1833 despatch on the subject of the clergy and school establishments of N.S.W. in *VPLC*, 1824-37, p. 461.

7

Colonial Responsibility

In 1848 a skirmish had occurred in the Legislative Council to gain more details on how the schedule concerned with the funds for public worship operated¹ but a request in 1852 was more serious. George Bowman, a strong supporter of Lang, wanted each minister receiving a state stipend to present the government with lists, signed by each adult attending his church, showing the number of miles each attendant lived from the church and giving the average number of attendants at worship. His object, he said smoothly, was to ascertain the necessity for the increase—or decrease—of the stipend. Shrewdly judging that Bowman's aim was to redistribute the stipends to follow the changed pattern of population and, averse as always to interference with the existing arrangement, Deas Thomson condemned the motion as impracticable since its success would depend on individuals voluntarily offering the information.² A more circumspect motion was passed and returns showed the names of ministers receiving stipends, their places of residence and names of people who had originally requested their services. It was then possible for anyone interested to check on the number in the 1852 congregations.³

It was Dr H. G. Douglass, with a controversial record behind him,⁴ who launched the demand for an increase in clerical

¹ W. Foster moved for a return of the amounts paid from schedule C to each minister of the Church of England during 1847. *SMH*, 10 May 1848, report, LC.

² *SMH*, 6 August 1852, report, LC. To gain a stipend of £200 a minister had first to prove that some five hundred adults were willing to attend his services. Once his stipend was given on this basis the amount was not altered even though, in the course of the years, the minister's congregation might diminish in number.

³ *Ibid.*, 21 August 1852, report, LC.

⁴ See *ADB*, I, pp. 314-16.

stipends. He asked for a specific increase of 20 per cent for one year. Douglass assured the Legislative Council that he would not have interested himself in the matter 'were it not for the extraordinary revolution which had taken place in the general circumstances of the colony'; he placed no reliance on the voluntary system at this particular period; indeed, 'the clergy had not unfrequently to contribute to the support of destitute families in cases in which the husbands or brothers had gone to the diggings'. A committee should be appointed to gain the necessary information to convince the members of the urgency and extent of the assistance required by the clergy. Although several members objected to both Douglass's motion and its amendment on the grounds that the long-held principle of not tampering with the 'obnoxious schedules' would be broken, the majority disregarded the objection as it would not be tenable for long. State aid was now a question to be considered on its own merits. James Martin, the member for Cook and Westmoreland, edged in his earlier criticism, forerunner of future ones based on the obligation of a representative government to supervise carefully the manner in which the people's money was spent. He clearly referred to the Catholic Church.

Many clergymen paid by the State placed their salaries in a common fund, as they could live for a less amount, and thus they were in a fair way of accumulating a mass of wealth. This was a serious matter for the Government to consider, for if the clergy, in addition to the influence they already possessed, obtained also that resulting from the possession of wealth and property, the most serious evils would ensue.⁵

With the schedules no longer acting as a strong buffer, the Church Act once more was realised to be the basis for the state aid system. Robert Campbell, hardworking and efficient himself in his roles of merchant and politician, spoke disparagingly of 'the miserable status of the clergy imparted by the Church Act'. He also spoke of the mismanagement of the various denominations: the clergy were not always strategically placed. Perhaps most of his wrath stemmed from the knowledge that the church-

⁵ Martin openly affirmed that 'a large portion [of state stipends] was actually devoted to other purposes'. This misappropriation of state funds was the actual charge.

wardens of St James's, 'one of the wealthiest and most flourishing congregations in the colony', had attempted to present a petition to the Legislative Council requesting extra aid for the clergy. Plunkett agreed with Campbell that the congregations should aid their respective ministers. The Church Act, he asserted, 'was intended to support the building of churches and the extension of religion, but not to supersede the necessity of private support'. In opposing the motion and amendment, Wentworth concentrated on facts. If any increase to the stipends were contemplated, he advised that the first move should be to place all clergy on an equal footing and,

To show the absurdity, the monstrous absurdity, of the present distribution of the State support, he would state a few particulars which he had just compiled: the average stipend for an Anglican minister was £226.10.0; for a Presbyterian, £168.15.0; for a Wesleyan, £170; and for a Catholic, £190.⁶

Both Douglass's motion and the amendment were defeated.

The *Empire* approved the new criticism of the state aid system. The present time, it declared in September 1852, was one of searching inquiry into all matters of administration, and ecclesiastical matters should not be exempt. Clergy had been ranked as government officers and, if they were considered as such, then the whole clerical appliance of public money was open to government inspection. In the *Empire's* opinion, 'the legislature ought to set itself, remorselessly, against all grants to parties trusting to the schedule for support' because, if the distribution of state aid was to be entrusted to certain church leaders, 'we are quite sure that it will only be an additional thong to the whip of scorpions, with which many of the clergy are already tormented'. The *Empire* also cast a critical eye on the operation of the Church Act. It doubted whether stipends were properly applied by the heads of 'some Churches' and doubted, too, whether the government was empowered to give a substantial financial grant to church leaders 'to be distributed at their discretion, without ever

⁶ In the Church of England five ministers were paid £150 p.a., six, £100, and forty-nine from £200 to £1,500. In the Church of Scotland, five ministers were paid £200, ten, £150, and one, £100. In the Wesleyan Church, two ministers were paid £200 and three, £150. In the Catholic Church the archbishop was paid £500, twenty-three ministers, £200, eleven, £150 and one, £100. *Empire*, 30 September 1852, report, LC.

investigating the accordance of that distribution with the requirements of the law'. Observing that the Church Act did not empower the government to exclude any denomination, the *Empire* concluded: 'It seems to us, that the Act has been interpreted capriciously, and without impartial justice'. The onus of the Church Act and its effects was being squarely placed on the Legislative Council: the development of this attitude meant that the issue would soon become a vital one in colonial politics.

Another factor made the legislature of New South Wales willing to assume full responsibility for the condition of colonial churches: the British parliament was tentatively considering legislation for the Church of England in the colonies. Both Gladstone and Russell introduced bills permitting the Church of England to hold synods in the colonies.⁷ Hearing of Gladstone's attempts to regulate the affairs of the colonial Church of England, the *Herald's* reaction was one of satisfaction.⁸ The *Empire*, on the other hand, strongly intimating that Broughton was behind Gladstone's bill, denounced

the concealed purpose of the movement . . . [which is] to lay a train for ecclesiastical domination in the colonies, and to give to one Church a Parliamentary character, which all others must continue to want.⁹

Fear of imperial parliamentary interference in colonial matters lingered.¹⁰

During 1853 the *Empire* continued to emphasise the new slant on the state aid system that the now inevitable abolition of schedules provided. There can be little doubt that the paper played a not unimportant role in forcing the government and people of New South Wales to consider more closely the value of the state aid system. One of its most formidable editorials hammered consistently on the dishonesty and selfishness inherent in the system: the system meant the plunder of some to pay for the religion of others who had not the zeal or self-denial to pay for

⁷ For introduction of bills see *Hansard*, CX, pp. 1195-235, and CXXIX, p. 1210.

⁸ 22 July 1852, article, 'Colonial Church Legislation'. See similar article, *ibid.*, 6 December 1852.

⁹ 27 August 1852, *ed.*

¹⁰ See, e.g., *Empire*, 10 July 1854, *ed.*

their ministers' upkeep. The anti-democratic and anti-liberal aspect of the system was underscored.

The revenue is the common property, for civil ends, of the whole community, and to take part of it for religion is to take it from the unwilling . . . this unwillingness is matter of conscience with many, and not of religious indifference . . . The representatives of the country can have no right to act in such a case as this, because the case, being one of conscience, is necessarily an individual and a personal one, and cannot admit of representation.

Basing opposition to state aid on the principle that no religious matter should be under state control, the *Empire* reminded its readers that Catholic clergy in Ireland would not accept state stipends because they feared state supervision would inevitably follow. The *Empire* saw religion as a private, not a social issue: 'religion is an affair purely of the heart and conscience—a thing exclusively of the inner man'.¹¹ The paper insisted that, in fighting for the abolition of state aid, it was fighting for the purity and advancement of religion and it cannot be denied that the *Empire*, directed by Parkes, was seeking to fashion an Australia independent and democratic. Although for a growing number of people the state aid system was undermining the development of both these qualities, there was no public refutation of the inherent value of religion.

In May of 1853 some churchwardens of the Church of England attempted to secure an act to regulate the temporal affairs of their church. The aim was to transfer the surplus funds of the churches to the stipends of the clergy. (Under the Church Act funds secured from the rents charged for the pews were applied to the upkeep of the church. In the wealthier churches the surplus from this source could be substantial.) Cowper protested. The bill, he maintained, would only apply to two or three churches and, in their particular cases, the congregations were wealthy enough to give voluntarily any necessary increase to their ministers' stipends. After stating that people in some country areas had already contributed to the support of their ministers, Cowper announced his belief that

¹¹ 17 March 1853, article, 'State Encouragement of Elevating Influences'.

the time was come when the clergy could safely depend upon the people of the colony . . . [he was interrupted by loud cries of 'Hear'] who would never fail to acknowledge their claims so long as they found them devoting themselves to the discharge of their duties.

Douglass's anger was evident. There could be only one reason for the objections to aiding the distressed clergy and 'the truth was, the Legislative Council wanted to introduce voluntaryism but he warned that if the clergy were forced to depend upon their congregation for support' it would end in their having no clergymen at all. The motion failed by three votes.¹²

Because the clergy were paid by the state, the image of them as government men naturally persisted and, consequently, a sense of responsibility for their undoubted pecuniary distress continued to gnaw at men's consciences. Simultaneously, there grew the desire to encourage the people to contribute towards the clergy's support. An anonymous layman published his solution to the problem and it was typical of the transitional period from a state aid system to a purely voluntary one: if a minister's congregation numbered 300 adults the government should grant an annual stipend of £400 on the condition that his parishioners also contributed an annual £200.¹³

In 1854, while moving for a committee to consider and to report on the best means of affording assistance to the clergy, G. R. Holden appealed to the Legislative Council on behalf of 'the only class of public servants who had not derived any benefit from the increased rate of wages in the colony', and asked the members to 'act generously towards this class of public servants'. It was unashamedly an appeal to justice. Martin stubbornly clung to the outworn theory that it was breaking a principle to increase the schedule but Solicitor-General W. M. Manning sharply reminded him that, as the government had supplemented the schedules for other government officials, 'they need not be so scrupulous with regard to the clergy'. This swung the argument back to a basic query: who should support the church, the state or the respective congregations? Unequivocally opting for the voluntary system, George Allen, leading Methodist layman, sug-

¹² *SMH*, 27 May 1853, report, LC. Votes were 16:13.

¹³ *Empire*, 21 November 1853, advertisement, 'Ministers of the Christian Religion'. The suggested scale varied according to the number in the congregation.

gested that each denomination should form a central fund to which all their adherents should contribute for the clergy's support. He also remarked that, 'while the Government would support the clergy, hon., members might feel assured that the congregations would not be forward in their contributions'. Those favouring some form of voluntaryism were more vocal than those who still upheld the state aid system. Parkes tried to widen the issue. While state aid continued, he said,

a feeling of self-reliance was destroyed among the people, who were accustomed to look for State support. And this feeling was not restricted to religious matters, but was carried into matters of ordinary business, so that they were inclined to look to Government for aid in almost every undertaking.

He concluded with a statement totally at variance with the original motives behind the Church Act: 'He did not consider that the Government should be applied to for assistance except for public good and public purposes'.

Ever anxious to maintain good relations among churches, Plunkett querulously complained that a committee's inquiry 'was calculated to occasion distrust and ill-feeling between clergymen of different denominations'. Unable to forbear from his usual encomium for the Church Act, he reiterated at the same time that government stipends had originally been given 'in the full expectation' that people also would contribute. He opposed Holden's motion on two other grounds: the difficulty of finding the extra money required and the effect that increased stipends would have of inducing the people to forget their duty of supporting their clergy. Practical and concise, Manning, although giving his full approval to the voluntary system, admitted that he did not see how it could be immediately adopted and wryly asked: 'were they [clergy] to starve during the gradual development of that great principle?'. After such pungency J. Darvall's speech sounded pompous. He was, however, logical and renewed the argument introduced during the Jewish controversy. He alleged that

it was impossible to alter the law [Church Act] without breaking down the barriers altogether, and paying state support to all—to pagans as well as to Christians—because they contributed to the revenue.

And, he contended with no fear of contradiction, the people would never agree to extend state aid to all sects because, if congregations could see their clergy in distress year after year, it was not likely that they would be willing to support all sects through state aid.¹⁴ After a lengthy debate the Legislative Council, faced with the inescapable poverty of the clergy,¹⁵ voted for the formation of a select committee to inquire into the clerical position.¹⁶

Through the month of August 1854 the *Empire* was voluble. It concentrated on what it called the perversion of the Church Act, intended by Bourke to aid all denominations but restricted by the government to four recognised churches. Innumerable errors, thundered the *Empire*, 'have resulted from the unauthorised and fallacious selection of "four denominations", by the Government'. The paper claimed that a 'secular Government' could not make distinctions among religious denominations. The government, the *Empire* warmly asserted, had no right even to discuss how the various churches should be aided but it could not resist giving a warning of evils that resulted from church funds being controlled by the heads of the churches. Then the *Empire* lashed out at the clergy who, in accepting state aid, denied in practice the truth of what they taught and, bluntly claiming that nothing but irreligion could make a people so neglectful of their duty to support the clergy, it insinuated that the clergy themselves were responsible for the people's failure to aid them.¹⁷ But not even such a diatribe could stir the public. Despite an appeal in the *Empire* to those who objected to the principle of state aid to draft petitions to the government protesting against any increase to the existing stipends, none were presented.

¹⁴ *SMH*, 29 July 1854, report, L.C.

¹⁵ Some idea of the straits to which the clergy were reduced may be gained by considering that, between 1851 and 1853, the government saw fit, due to 'the exigencies of the times', to raise the salaries of school teachers by 75 per cent. The clerical stipend had not been altered since 1836. See Report of the Commissioners of National Education in New South Wales for 1853, *VPLC*, 1854, II, pp. 119-21.

¹⁶ *Ibid.*, I, 28 July, p. 129.

¹⁷ Clergy prompted men to fulfil their duties and obligations, to be generous and self-denying. In looking for state aid, the clergy denied both the possibility of the people contributing to their support and the importance of their doing so.

The committee appointed by the Legislative Council to inquire into the material situation of state-aided clergy called on six Anglican ministers and one minister from each of the other state-aided denominations to supply the required information.¹⁸ Not only did their testimony give eloquent proof of their poverty but it also revealed the attitude of at least a section of the clergy to the various methods of clerical support.¹⁹ All the men interviewed, except Boyce, opposed a purely voluntary system. Fullerton qualified his opposition with the statement that, if the government refused to increase stipends, then, 'So far as I am concerned, it would really be better for me to have no Government salary than to have the present pittance'. That the people believed either that the ministers were well provided for by the government and so did not need additional aid or that clerical support was a government responsibility alone was also inferred or stated by the other ministers. Rev. Frederick Wilkinson, for example, who had arrived in Sydney in 1825, remarked that the people 'have always regarded us old Chaplains as so rich that any assistance was not necessary'. Others said that, when they came to the colony, they did so under the belief that the Church Act obliged the people to contribute to the support of their ministers but that the colonists had never been given that impression. Accustomed to their independent position in England, the Anglican clergy in particular opposed the purely voluntary system because, they said, their social standing and hence their influence would be adversely affected. A typical reaction was that of

¹⁸ Anglican ministers: Rev. J. Walker, Liverpool; Rev. W. Stack, Campbelltown; Rev. W. B. Clarke, St Leonards; Rev. H. T. Stiles, Windsor; Rev. G. Turner, Ryde; Rev. F. Wilkinson, Trinity Church, Sydney. (Had Broughton still been alive there is no doubt that other clergy would have been chosen to represent the Anglican viewpoint. J. Walker had made his parish at Liverpool into an Evangelical centre for the Sydney diocese: his supporters included Stack, Clarke and Turner. These men were firmly against Broughton's Tractarian tendencies.) Presbyterian minister: Rev. J. Fullerton, Sydney. Wesleyan minister: Rev. W. B. Boyce, General Superintendent. Catholic minister: Ven. Archdeacon J. McEncroe, head of the church in the colony during Polding's absence. Unless otherwise specified the source for the following information connected with the committee's inquiry is *VPLC*, 1854, I, pp. 793-822.

¹⁹ Walker's stipend was £200 which, he said, was equivalent to £70 or £80 in 1836. This stipend was expected to provide for himself, his wife and eight children but he confessed that, 'I could not have gone on without getting assistance from England. . . . As for clothing, my family has been entirely dependent on friends in England for that since the gold discovery'.

Clarke: 'I would rather starve than beg'. Most admitted, however, that their congregations were sufficiently wealthy to contribute to their support.

When pressed by the committee the ministers volunteered their suggestions for the best means by which they could be supported under the existing conditions in New South Wales. All agreed that private donations should supplement the government stipend but it was obvious that they placed no reliance on the interest and generosity of the people. Stack believed that the government stipend should be given only on the condition that the people contributed and Stiles, together with Turner, agreed that the people would give money to their ministers only if the law compelled them to do so. Fullerton informed the committee that he had already urged deacons to estimate a suitable salary for ministers and to discuss it with the congregations in order to solicit private contributions but, although 'They [deacons] did not assign any reason why they would not do it . . . they never have done it'. Boyce alone could say that his clergy were in no great need. Encouraged by the committee, he outlined the Wesleyan scheme for clerical support: each member of the church gave a stipulated sum each week and each quarter to appointed stewards who then passed the money on to a central financial committee to distribute among the various ministers according to their respective needs.²⁰

The Anglican clergy approved of this scheme for their own church but their insistence that the laity, not the bishop, should control the general fund indicated a certain reluctance to comply with the relevant regulation of the Church Act. This reluctance would certainly influence their attitude, and at least some of their congregations, towards the abolition of state aid although, of course, it would be impossible to gauge the extent of the influence. Walker had no doubt that

the principle of Sir R. Bourke's Act must sooner or later be abandoned by the Government for fiscal reasons. Until some final arrangement . . . be made, I expect nothing but dissensions and division in the community . . . So long as religious feeling exists in the

²⁰ For example, a married Wesleyan minister with six children, was given £600 p.a. This amount shows the dire need of clergy relying solely on state stipends.

community and so long as there is a representative body to represent the people, this matter must find its way into the Legislative Assembly, and party discussions must arise upon it.

This is an interesting speech. It testifies to a minister's realisation that state aid could not long continue; that it was a source of division within and without the legislative body; that a growing number of people believed there should be no relation between government and church and it was an acknowledgment of the right of a representative government to debate on all aspects of the financial aid granted to the churches. Solely on this latter factor Walker frankly admitted that he would prefer the existing system to be abolished and the government to divide the church and school lands proportionately among the respective denominations. Fullerton revealed how closely he at least was attuned to the colonial spirit. He would not entertain the idea of a specific religious tax being placed on the people because, as he said, the lower classes were particularly antagonistic towards it. Stack was the only minister who upheld the old theory that state aid to the clergy benefited the state. The various ministers not only publicly confessed, either explicitly or implicitly, the religious apathy prevailing among the people but also intimated that the people's lack of concern for the welfare of their clergy stemmed from the original church-state relation in the early penal days when, as Plunkett said, 'the people expected the Government to do everything, and in fact they [government] did do everything'.

The committee's report was printed on 13 October 1854. Adopting the suggestions of the interviewed ministers, the committee recommended that the government should distribute £6,500 among the clergy who were already receiving state stipends on the plan of £50 for each married minister and £25 for each single minister. The committee stipulated one condition for the grant: the head of each denomination had to furnish a certificate stating that the people had already subscribed a similar amount. There was no suggestion that the clergy should be released from the financial dependence on the heads of their respective churches. The report thus advised two departures from established practice, though not, according to men such as Plunkett, from the theoretical principle of the Church Act: one, a distinction was drawn

between married and single ministers and, two, the extra government grant was dependent on a specified voluntary subscription.

As could be expected the legislature's debate on the report was heated and lengthy. With his customary regard for theatrical effect Lang confessed that 'He could scarcely refrain from shedding tears' when he read about the conditions of state-aided clergy. But his emotional sympathy did not deter him from voting against the acceptance of the committee's report on the major reasons that 'it would only put off the ultimatum of Government support being withdrawn from all denominations' and that 'the small stipends allowed to the clergy by the Government did more harm than good, for it shut up the sources of liberality'. Only one member based his support for the report on the need for clergy to operate as moral police. Cowper, grimly continuing his opposition to any addition to existing state aid, pointed out the success of Bishop Tyrrell of Newcastle with a voluntary scheme. Giving the issue another slant, he added that he would call any extra grant to state-aided clergy an injustice 'whilst a large number of the most eminent, the most deserving and laborious of the colonial clergy were receiving no such support at all'. Plunkett's contribution to the debate was unusual for him. His attitude to state aid was no longer unqualified: he called it a 'most painful and perplexing question', and his usual praise for the Church Act was restricted to its negative aspect; he even hoped that one of the first acts of the legislature under the new constitution 'would be the full consideration of a large and comprehensive measure in respect to church matters'. The report of the committee was passed by the votes of four opponents of state aid and their reason was, they said, one of justice:²¹ so long as the respective clergy were dependent on the government for financial assistance, the government should see that their stipends were increased as the salaries of other government officials had been. Holden then successfully moved for an address requesting the governor to take the necessary steps.²²

The legislature's debate on the state aid increase stirred popular interest in it. The *Freeman's Journal* recorded that 'There is a

²¹ The four men were: J. B. Darvall; Solicitor-General, W. Manning; G. Allen; Colonial Treasurer, F. L. S. Merewether.

²² *SMH*, 25 October 1854, report, LC. The governor complied with the request; £6,500 was placed on the estimates for one year.

wide diversity of opinion prevalent at present in the colony as to the *mode* of providing for the support of the Clergy' and, giving as its reason that the country was not yet 'ripe for the adoption of "Voluntaryism"', opted for the part voluntary, part government support which the Legislative Council finally chose.²³ From the published report of the committee, the *Herald* on 26 October culled the information that the clergy of the Church of England did not know 'whether the Government or their own flocks are bound to meet the distressing exigencies of their case'. It was this uncertain attitude, particularly of the clergy, that helped to account for the growing tendency to favour the voluntary system. It was for many the easy way out of a difficult situation because those who supported state aid had to face the fact that, if it continued, it would have to increase. The *Herald* accused the committee of ignoring the basic point of the issue: 'The question is, where lies the blame [for the economic distress of the clergy] and how is the wrong to be redressed?' This question had not arisen in 1836. It was then accepted that the state should support the church because it was clearly manifest that, although the convict-dominated society needed the religious influence of extra clergy, it was quite unable to support them even had it wished to do so. The social changes that had since occurred had altered the situation. The very temporary nature of the government aid seemed to irritate the *Herald*. The *People's Advocate*, too, believed that the committee's recommendation was 'a miserable attempt to shuffle off the consideration of a vast and important question'. It put the position bluntly: 'Every year [now] clergymen must be left to starve, or the schedules must be supplemented by a vote of the Council'. Conceding that state aid had been originally needed in New South Wales, the *People's Advocate* believed that 'It belongs to the past, and with the things of the past it should vanish away' and trusted that 'the few gentlemen whose prejudices are still in favour of state endowment will soon give way to a better and more enlightened mode of thinking and acting'.²⁴

Having already denied the government's right and ability to intervene in any church affairs, the *Empire* criticised the very

²³ 12 August 1854.

²⁴ 28 October 1854, article, 'Clergymen's Stipends'.

basis on which state aid had originally been given in 1836. The clergy's role as moral police had been a failure for they had never been interested in the lower classes:

did they formerly, by their meekness and high elevating example point out the path to heaven—and *lead the way*? The spread of dissent, the acknowledged absence of influence on the part of the clergy over the minds of the labouring classes, and the disposition that is universally spreading to make the Church maintain itself by the support of her congregations alone—not only afford an eloquent reply, but furnish us with some excusing plea for the victims of legal wrath, who had become hardened in crime, perhaps in consequence of the emollient voice of sanctifying religion—and its preventing, and encouraging potency—never having once been made familiar to them.²⁵

This was merely preliminary sparring.

Clouded by some emotional heat, the *Empire's* editorials nevertheless placed accurate and logical facts before its readers. Keeping in existence the old grudge of the British-imposed schedule, the *Empire* judged that, since the government was now approving the church grant by voting an increase to it, it should consider, in justice, those clergy who were excluded from the benefits of state aid, even though the Church Act had made no exclusion.²⁶ The Act was rightly criticised. The graduated scale of state stipends, 'One of the absurdities of the Act', was condemned because he who received the lowest stipend had the least chance of receiving congregational support.²⁷ A small, widely scattered population had been a factor behind state aid to the churches. If this were a good argument, the *Empire* postulated, all the state aid should now be given to country areas.

But, instead of this, the largest stipends are given where they cannot be wanted [that is, in well populated and often wealthy town areas] and the thin population, on whose credit the system rests, are left to shift as they may.

And the all too evident religious apathy, according to the *Empire*, was in itself a proof that state aid was wrong.²⁸

²⁵ 13 October 1854, ed. 'Victims of legal wrath' was an unexpected euphemism for convicts.

²⁶ 27 October 1854, ed. The editor wrote 'that two thirds of the Presbyterians, and all the Independents and Baptists of the colony, are thus ignored and defrauded'.

²⁷ *Empire*, 15 December 1854, ed.

²⁸ 28 October 1854, ed.

In attempting to stimulate formidable opposition to the state aid system between 1851 and 1855 the *Empire* was working against the tide of events: the gold fever eclipsed all other concerns except that for the new constitution. Other elements contributed to the lack of organised effort to abolish state aid which might otherwise have been expected during the period in which the rate of stipends was being examined. In March of 1851 the census returns showed that the number of people who, through principles of their religion, were opposed to state aid to churches was small. Out of the total population in New South Wales only some 7,212 belonged to Christian denominations other than the state-aided denominations whose numbers totalled 178,200.²⁹ The pastors of those churches dependent on voluntary aid were few. In 1856, when they became the leaders of the opposition to state aid, they numbered 46³⁰ as against 224 ministers belonging to the four state-aided churches.³¹ Their opposing weight was also lessened because their number of 46 was separated into eight denominations and, in these years of the early 1850s, they seemed to show little interest in the question. Only in 1855 did the Congregationalists officially condemn all state aid to churches stating that it was important 'to give distinct and emphatic avowal to its convictions' at a period when colonies were considering permanent constitutions.³²

A significant development among the state-aided churches, however, had begun. Not all their ministers could obtain state stipends so these churches were forced to encourage voluntary

²⁹ *VPLC*, 1851, II, abstract of returns of population on 1 March 1851, no p. These figures exclude 779 Jews and 852 Mahometans and pagans. The numbers belonging to the four state-aided churches were: Church of England, 93,137; Church of Scotland, 18,156 (this number included the various Presbyterian sects, only one of which accepted state aid); Wesleyan Church, 10,008; Catholic Church, 56,899.

³⁰ This number included 28 Presbyterian ministers from those sects not accepting state aid, the Synod of Eastern Australia, Synod of N.S.W., and the United Presbyterian Church. The other denominations not demanding state aid were the Congregationalists, Baptists, Unitarians, Independent Chapel, and Primitive Methodists. *Moore's Almanac and Hand Book for New South Wales for the Year 1856*, pp. 60-8.

³¹ This figure could be qualified. In 1856, out of 105 Anglican clergy, 35 did not receive state aid; out of 27 Presbyterians belonging to the Synod of Australia, 9 did not; out of 31 Wesleyans, 23 did not; and out of 61 Catholics, 21 did not. The Jews received a state stipend for their chief rabbi. *Ibid.*, and *VPLA*, 1857, II, pp. 54-9.

³² Rev. T. Q. Stow, *Congregationalism in the Colonies*, p. 26.

subscriptions from their members. Parallel with the state aid system there thus began, hesitantly and often with discouraging results, the voluntary system. As early as 1846 the Wesleyans had inaugurated their Australian Chapel Fund and Contingent Fund, the former of which 'would have remained motionless had it not been for grants received from the Government for several years' and the latter was in only a slightly better position because 'its voluntary income rarely, if ever, exceeded £150 per annum'. By 1854 a new scheme was being discussed but, although the Church Extension Fund was approved at the first conference of 1855,³³ it was not introduced to the public until 1859.³⁴ The Catholics, too, found it difficult to raise money. On 2 January 1853, Polding inaugurated the Catholic Association whose object was to contribute towards the support of clergy and maintenance of churches³⁵ but, by August, it was believed that work on St Mary's Cathedral would have to stop because of insufficiency of funds and 'few regular subscribers'.³⁶

The Anglican story in Sydney was much the same. The building committee for St Andrew's Cathedral reported to a 'small assemblage' of subscribers that only £690.2s.4d. had been contributed in New South Wales between April 1851 and July 1853.³⁷ Broughton spoke of the difficulty of getting colonists to contribute towards the support of the clergy working in the interior: 'The feeling but too prevalent here was that nothing should be done, no cause supported, unless some local benefit was to be received in return'.³⁸ From 1836, the year of its formation, to 1856 when it merged into the Diocesan Society, the Sydney Church Society raised £84,000 for church purposes and the funds were inadequate.³⁹ By 1854 the Society was in difficulties. When the government adopted the principle of increased aid to the clergy on the condition of equal voluntary donations, the committee received

³³ Australian General Conference: First Minute Book, 1855-88, A2808, ML, pp. 15-16.

³⁴ *CA*, 31 March 1859, pp. 167-9.

³⁵ See *Report of the Inauguration of the Catholic Association in St. Mary's Cathedral*.

³⁶ *FJ*, 12 August 1853, article, 'Ecclesiastical'.

³⁷ *SMH*, supplement, 6 July 1853, report of meeting.

³⁸ *Sydney Guardian*, 2 April 1849.

³⁹ *Historical Sketches*, Colonial Series VI, Australia. Published by the SPG in Foreign Parts, Westminster, 1884, p. 16.

several pressing applications for assistance from Clergymen in various parts of the Diocese. These applications however the Committee have, with truly painful feelings, been compelled from want of funds, to refuse.⁴⁰

There was a feeling of shame connected with voluntary giving. When parishioners of Pitt Town and Wilberforce presented their pastor, Rev. T. C. Ewing, with £40, they made a revealing remark: 'We have not solicited subscriptions'. It is interesting that the parishioners' letter and Ewing's reply were published. In his letter Ewing acknowledged that 'the voluntary principle is right' but still clung to the 'holy alliance between Church and State'.⁴¹ This, incidentally, drew forth the statement from 'A Voluntary' that, wherever 'the *Tree of Life* has been planted, it has been, in ten cases to one, the fruit, not of State Church *inanity*, but of Voluntary *vitality*'.⁴²

'Three Country Clergymen', believing that agitators in favour of the voluntary system had influenced the government's attitude towards state aid, wrote a letter to the *Herald* with the warning that 'The noise raised by their voices is no test for determining the feelings of the majority of the right-minded people, who remain the while silent and quiescent'. Realistically discarding the possibility of an established church and private endowments, the three ministers outlined five objections to the voluntary system. Voluntary subscriptions would never be sufficient for all the colony and they would be uncertain and unequal, fluctuating according to every commercial change and 'every changing breath of popular opinion or personal prejudice'. Therefore the clergy would be in a constant state of anxiety, 'unable profitably to discharge their all-important duties'. The main burden of supporting the clergy would also fall on a few. The fourth objection smacked somewhat of a threat:

If you separate entirely Church matters from the support of the State, you will unquestionably have in the Church, a rival power, it may be jealous of, or even adverse to the State . . . and this *imperium in imperio* may prove an effectual engine continually of disaffection and disturbance, and often times of serious mischief . . . there is a natural affinity between the voluntary system and popular agitation.

⁴⁰ *Report of the Sydney Diocesan Society for 1854, 1855*, pp. 22-3.

⁴¹ *SMH*, 22 August 1854.

⁴² *Ibid.*, 25 August 1854.

There are many political subjects and many more social subjects that have a religious bearing, and may be made topics of pulpit declamation.

The state, as a trustee for the people, they wrote, had an obligation to support the clergy.⁴³

The causes for the sluggish growth of the voluntary system within the Church of England lay deep in the past and in an older society:

it is no easy matter to accommodate her clergy to the necessities of the new order of things. This is the difficulty of the day. We seem to require a new race of clergy to meet it effectually. The traditions of the Church, of her schools, and her colleges, the high social position enjoyed by the clergy, all lead them to look for a support mainly independent of popular will and affection . . . But not only must a race of clergymen be brought up to the new state of things—the laity also require the acquisition of new habits and ideas. They must grow familiar with the notion of voluntarily paying their clergy; and they must learn, not only how to get ways and means, without habitually looking to Government, but how to manage them well when they have got them.⁴⁴

The *Empire*, commenting on 'the perennial complaint' of the clergy that the laity would not contribute funds to their church, blamed the clergy themselves:

their conduct, for a series of years past, has been such, at least amongst the heads of that church, as to alienate to a wide extent, if not wholly, the affections of its lay members.⁴⁵

In the diocese of Newcastle the Anglican Church, with its young, energetic bishop,⁴⁶ William Tyrrell, effectively prepared for the abolition of state aid. Tyrrell was 'convinced that the Colonies were bound by every consideration both of duty and interest, to establish, at the earliest possible moment, the indepen-

⁴³ *Ibid.*, 19 July 1854, letter.

⁴⁴ *Ibid.*, 2 November 1854, ed.

⁴⁵ 28 February 1852, ed. The editor evidently referred to the absence of lay influence in church government. Mentioning the 1850 conference of bishops, he commented on the bishops' attempts to establish in the Church of England 'a spiritual dictatorship not less galling than that of the Church of Rome'. This editorial was published just after a meeting of the Sydney Diocesan Society held on 24 February at which it was announced that only £116 had been collected during the previous year. See *ibid.*, 25 February 1852, report of the meeting.

⁴⁶ Within three years of his arrival in Newcastle (he had arrived in 1848) Tyrrell had built eight churches and three school-churches besides beginning four churches. A. P. Elkin, *The Diocese of Newcastle*, p. 197.

dence of their own Church'.⁴⁷ He had the interest and support of two other bishops. On 14 November 1850, Tyrrell chaired a meeting of Anglican clergy and laity which Bishop Selwyn of New Zealand and Bishop Nixon of Tasmania attended. The object of the meeting was 'That a church fund for diocesan and missionary purposes be constituted, to be called "The Newcastle General Church Fund"'. Tyrrell confided his worries concerning the maintenance of the newer clergy who could no longer expect state stipends and

trusted that in those parts of the diocese where the congregations were not called on to support their ministers, that liberal contributions would be given towards supplying the pressing wants of the distant parts.⁴⁸

A provisional committee having worked out the necessary details, the Newcastle Church Society was established on 26 April 1851, and in his pastoral letter of September 1854 Tyrrell elaborated an extension to these earlier plans.⁴⁹ Tyrrell assessed that he needed £8,100 annually to support the clergy in his diocese. The government grant was £3,100, leaving the laity to supply £5,000. Dividing the 4,500 family groups according to their income, Tyrrell gave figures that would, on paper, return him the required £5,000. He also established an endowment scheme but Newcastle diocese was only able to lay firm foundations for a purely voluntary system through two factors:⁵⁰ the bishop had no family dependent on him and he had private resources. By 1860 the voluntary system in Newcastle was healthily operating and doubtless played no unimportant part in convincing people that, were state aid to be withdrawn, the church could still function satisfactorily.

Between 1851 and 1854 increased population and inflated prices, both direct results of the gold discoveries, helped to focus a critical light on the existing state aid system, now threatening to consume an ever greater amount of state income. Migrant gold-seekers of these years, resourceful and independent, were swell-

⁴⁷ Report of the SPG quoted in *ibid.*, p. 159.

⁴⁸ *Maitland Mercury*, 16 November 1850, report of meeting.

⁴⁹ *Empire*, 23 December 1854, pastoral letter.

⁵⁰ Tyrrell asked the SPG for permission to invest the grants given him, to which he himself made an addition, 'while he encouraged the Colonists to provide for their present spiritual needs a sum equal to the grants thus employed'. In 1853, £2,000 was available for investment. See Boodle, p. 240.

ing demands for the introduction of manhood suffrage and responsible self-government, demands that revealed an attitude in ill accord with the hierarchical framework of Anglican and Catholic Churches; and the two churches composed 80 per cent of the population in New South Wales.⁵¹ To 1854 was the seeding time: it was not until 1855 that the first public meeting condemning state aid to churches and advocating the adoption of a voluntary system was held.

⁵¹ *VPLA*, 1862, III, p. 17, Comparative Table of Religion with percentage on total population for 1856. The exact figure for combined Anglicans and Catholics is 79.7 per cent. The table goes far to account for the comparative absence of organised, or even individual, efforts to abolish state aid. The four Presbyterian sects formed only 10.3 per cent of the population and, judging from the fact that 27 out of 55 Presbyterian ministers belonged to the state-aided sect, it can be surmised that almost half of the 10.3 per cent would belong to the Synod of Australia. The Wesleyans and Primitive Methodists (the latter did not receive state aid) formed only 6 per cent of the population. The rest of the table is as follows: Congregationalists, 1.1 per cent; Hebrews, 0.6 per cent; Mahometans and Pagans, 0.5 per cent; unspecified denominations, 0.2 per cent; and Protestants other than those specified, 1.4 per cent. From this table it can safely be gauged that only some 10 per cent of the population in N.S.W. did not belong to state-aided denominations and it could be noted that this approximate 10 per cent or 25,000 people (the total population in N.S.W. in 1856 was 249,282) belonged to various denominations.

PART III
Decision for the Future
1855-1862

8

The Voluntary System

When Governor-General Sir William Denison delivered his maiden financial speech to the legislature in mid-1855, he announced a fact that was to rouse the first strong, active protest against the existing state aid system for religion:

an addition is proposed to the amount reserved [for public worship], for the purpose of placing the Clergy in a position similar to that occupied by other persons receiving salaries from the Government.¹

Contenting itself at first with a brief objection to an extra grant on the grounds that it countenanced the continuation of state aid, the *Herald* reserved its thunder for a later editorial. That the grant originated with 'a stumbling executive' and not with the legislature was a sore irritant. Sensitive though the colonists were to English precedents, the *Herald* did not scruple to refer to Stanley's recently expressed belief that state support of religion in England would not survive a generation and backed up the statement by quoting the opinion of influential clergy in Australia.² Without doubt, the *Herald* assured its readers, 'the insufficiency and instability of those endowments' given by the government contributed to the colonists' desire to abolish state aid. Moreover, public money to the state aid system was

a tax which cannot stand before a popular assembly, and which therefore creates in the community a class of pensioners whose sympathies must be hostile to the power of the people.

¹ VPLC, 1855, II, p. 807.

² 17 July 1855, ed., stated that the Anglican bishop in South Australia had approved the withdrawal of state aid in that colony. 'The opposition of the Bishop of Melbourne to endowments was firmly expressed and he only refrained from an active resistance by an avowed deference to his clerical brethren who thought the time was scarcely come.' The bishop of Tasmania, the *Herald* added, had recently appealed to the laity to support their clergy.

Charging the Anglicans with being the cause of the proposed increase to stipends,³ the *Herald* protested that even Bourke would now favour the abolition of state aid and quoted a passage from one of his despatches concerning Port Phillip:

The means of Education being secured, I shall feel disposed to leave it to the voluntary Contributions of the Inhabitants to provide for Churches and Clergy. *To aid all alike, when the creeds are various, seems impossible, and a partial distribution of the funds appears nearly allied to injustice.*

The *Herald's* emphasis on the existing injustice was unmistakable and its conclusion irrefutable.

We believe no fair case is made out—the pressure, whatever it is, rests on all. The difficulties of the times are as heavy on the minister outside the schedule as on those within. The time has come for those who enjoy the support of the state to prepare for a system of religious equality.⁴

The *Empire* was in full accord.⁵

On 16 July 1855 in the concert room of the Royal Hotel, Sydney, was held the first public meeting of opponents of state aid under the chairmanship of J. R. Wilshire, M.L.C., and the meeting set the pattern for future ones. Earnest, but heavy in his delivery, Rev. Alexander Salmon of the Free Church of Scotland carefully enunciated his opinion and that, he believed, of the majority of his denomination. The state should aid religious truth;

³ *SMH*, 17 July 1855, ed. The Wesleyans, claimed the *Herald*, had made no outcry: the unmarried Catholic clergy could have no complaint although 'An increase of means would enable them to supply additional priests, but that is a different thing'; while the clergy of the Synod of Australia 'are not generally needy, and none ought to be'. Lang also remarked that the Synod of Australia did not add one minister to their number between 1842 and 1852: therefore the division of their proportion of state aid posed no problems. J. D. Lang, *An Historical and Statistical Account of New South Wales*, II, p. 501.

⁴ 17 July 1855, ed. The concluding sentence could well have been addressed to Anglicans before the Church Act was passed. The editor did not concentrate on the amount of money being devoted to the churches. This was possibly due to the evident inadequacy of the stipends even with the 1854 increase. With the exception of this slight increase, the rate of stipends was exactly that of 1836. Some idea of the altered financial situation in the colony can be gained by considering that a town carpenter, who was given 4s. a day in 1845, expected 15s. in 1854. Tea, costing 1s.6d. a pound in 1845, was 2s.6d. in 1854; potatoes, 4s.6d. a hundredweight in 1845, were 18s.6d. in 1854. See *VPLC*, 1855, II, rates of wages, p. 699, and average prices of provisions and clothing, p. 698.

⁵ 7 July 1855, article, 'Schedule Reserves'.

to aid error was anti-scriptural and so the proposed supplement to stipends would have 'a most detrimental effect on the social and moral feeling of the country'. Moreover, what was given, Salmon charged, was often wastefully expended: he was aware of Presbyterian ministers who, paid by the government, had on the Sabbath from six to sixteen people in their congregations. Even from the reporter's account of the meeting it is obvious that the atmosphere changed when Rev. James Voller, Baptist, spoke. Witty and with a gift for public speaking, Voller played on the theme of injustice. The result of injustice was that

This matter of endowments was continually a bone of contention—it was a continual source of annoyance . . . [Moreover] It was a perfectly unmanageable thing in the hands of legislators.

Once people 'had to pay for their own pastors', Voller assured his listeners, then many of the present stipendiary clergy would no longer be in charge of parishes. It was a thinly veiled accusation that state aid meant unworthy clergy. Running through his speech was this thread of rivalry with the state-aided clergy: when state aid was withdrawn and the beneficiaries 'had to do battle in the field of life upon their own merits, many of them should fail'. Voller spoke the language of the hardworking middle class. 'He said of Christianity . . . let it go and work for its own living (loud cheers) or let it starve'.

Speaking in the name of many Wesleyans, Episcopalians, Presbyterians, and Congregationalists, Rev. J. Beazley, Congregationalist, concentrated on the necessity of separating church and state. George Bowman, M.L.C., supported him: the time had come for the churches to be 'weaned' from the state. Harm could only result, insisted Rev. J. Sharpe, Congregationalist, to both church and state if state aid were continued so 'they would continue to agitate, agitate, agitate, until they saw the church fairly and for ever delivered from the bondage of the State'. His conclusion showed how far the situation had altered from 1836: 'if they were to have a land of civil and religious freedom . . . they must abolish the alliance of Church and State'. This was the language of those who had supported the Church Act in 1836: they had seen that Act abolishing the alliance of the state with the Church of England and thus extending civil and religious freedom to all. With

the passage of the years and the restriction of state aid to four denominations, these churches were now in the same position as the Church of England had been in 1836. In this sense, then, the forces behind the adoption of the Church Act were actually those working for the abolition of the state aid which was seen, by 1855, as the essence of the Church Act.⁶

Nine days after the Sydney meeting of opponents of state aid one was held in Maitland. Most of the men who spoke urged the need for union among themselves; one result of this was the emphasis on the harmful effects of the existing system and an understanding that the abstract question of state aid should not be discussed. One Congregationalist minister was also concerned about the ethics involved:

Public bodies had no right to put their hands into the public purse, without being under the control of the State which gave it. The condition of State pay without State control was the root of every corruption.⁷

Members of state-aided denominations supported the meetings. On 19 July, at Kiama, a Dr Ward, son of an Anglican minister, attended a protest meeting⁸ and many Anglicans were reported to have been present at a similar meeting in Brisbane on 10 August. One of these said that abolition of state aid would not only stimulate energy within his church but also promote unity and good feeling with other denominations.⁹

The decision to concentrate attack on the existing state aid system and not on the principle of state aid was wise. Those who supported state aid objected to some part or other of the existing system and this was a weakness obstructing their union and giving strength to their opponents. 'A Country Clergyman', for example, agreed that the present system was 'utterly absurd and mischievous and . . . the sooner it is abolished the better' but argued that state aid, justly distributed to all, should be continued as religion promoted peace, happiness and prosperity.¹⁰ John Robertson professed himself happy after reading the letter of 'A Country Clergyman':

⁶ *Empire*, 17 July 1855, report of meeting, 'Religious Endowments'.

⁷ *Maitland Mercury*, 28 July 1855, report of meeting.

⁸ *Empire*, 4 August 1855, report of meeting.

⁹ *Ibid.*, 20 August 1855, report of meeting.

¹⁰ *Ibid.*, 11 September 1855.

All this is, indeed, progress towards voluntaryism. It will be seen that your correspondent entirely abandons, as a principle, that the State is bound to support religion, and merely justifies such support as a matter of expediency.

Such a concession, Robertson accurately forecast, would create dissension among those wanting state aid. He also believed that the growing conviction that state aid was essential in poor and thinly populated districts would finally lead to a question 'worthy of consideration'—should state aid be withdrawn except from the areas of the interior?¹¹

Two unfortunate incidents occurred at this time to discredit 'the four-denominational system so sweetly hugged by our Government'. In Sydney the Presbyterian burial ground was open to all Presbyterians, but at Kiama there was confusion:¹² as a result of an appeal from the Free Church 'it was stated that the customary method of granting burying ground to the four denominations could not be departed from'. The *Empire* ridiculed

the absurdity of keeping up sectarian distinctions after death, as if sects were perpetuated in the other world. At Sydney, to keep the sectarian dead from commingling, every ground is parted off with fences.¹³

A more serious incident occurred in the legislature. On 31 July 1855, Douglass moved what Auditor-General F. L. S. Merewether called on 'extraordinary motion' and what was seen as an attempt of three churches to gain yet more government funds. Douglass wanted the legislature to state explicitly that the 1854 grant of £6,500 to the churches had but one stipulation: the people should give the same amount. He had found, Douglass said with indignation, that some ministers, having collected the required voluntary subscriptions, were refused the government equivalent. In one case, 'the reason why the payment was refused was that, although officiating as a minister, he was receiving no stipend from the Government'. Merewether admitted that three out of the four state-aided churches had sent in lists containing names of ministers who did not receive state stipends.¹⁴ Payment was withheld

¹¹ *Ibid.*, 24 September 1855, letter.

¹² *Ibid.*, 29 September 1855, letter.

¹³ 3 October 1855, article, 'Cemetery Grants'.

¹⁴ No denominations were named but it is reasonable to assume from past events that the Wesleyans were the fourth denomination.

on the principle only that the vote of the Council was to assist the stipends of the clergy, but where there were no stipends to assist then this extra payment could not be made.

Douglass's motion was easily negated¹⁵ and the *Herald* approved: to have granted Douglass's request would have added to 'the stipendiaries of the State'. The *Herald* also pointed out the obvious injustice to those ministers of denominations not participating in the state aid system. Coining a new name for the system, 'The Sinews of Sectarian Warfare', the *Empire* bitterly linked religion and politics. It was undeniable, ran the editorial, that state-paid clergy showed the greatest allegiance to the government and that was the reason the government supported them. On this principle 'it must be reckoned by Government that the larger the endowment the larger the body of subservient persons, and the more intense the feeling of servility'. Intimating that the Church of England received the greatest bounty, the *Empire* warned that the government was raising this sect 'to supreme, not only ecclesiastical, but civil power in the State'. The other denominations were aware of this tendency and so took the aid 'from a principle of variance and jealousy; and they all use that pay not to allay strifes, but as the very aliment of variance'.¹⁶ It was not a promising introduction to Douglass's next motion.

As the extra grant of 1854 had been voted only for one year, Douglass moved for 'a sum not exceeding £6,500 to be appropriated for the present year, for purposes of affording temporary relief to Ministers'. The atmosphere was hostile. Merewether objected: the sum voted in 1854 had been distributed in 1855. While J. R. Wilshire was protesting that there was not even a stipulation for an equal sum to be collected by the people, a sufficient number of members quietly walked out so that a call of 'No House' could be given.¹⁷ Taking his cue from Wilshire, Douglass amended his motion on 12 October. Martin then touched

¹⁵ *SMH*, 1 August 1855, report, LC.

¹⁶ The editor listed the amounts given in 1854 by the government to the four churches and schools.

<i>Denomination</i>	<i>Eccles. purposes</i>	<i>Schools</i>	<i>Total</i>
Anglican	£14,416.18.9	£10,168.14.9	£24,585.13.6
Catholic	£9,734.0.5	£6,080.16.3	£15,814.16.8
Presbyterian	£3,349.3.3	£2,038.13.11	£5,387.17.2
Wesleyan	£541.13.4	£1,058.8.8	£1,590.2.0

Empire, 1 August 1855, article, 'The Sinews of Sectarian Warfare'.

¹⁷ *SMH*, 11 October 1855, report, LC.

a weak spot. From one point of view it was too small a sum, and from another, too large and, moreover, the government had already augmented taxation to the amount of £76,000. Admitting that, after the discussion of 1854, 'the principle was one in which the Government would not be justified in withholding its assent', Merewether nevertheless objected to the wording of the motion which would permit ministers not receiving stipends to claim the extra grant. Solicitor-General William Manning explained that, although the clergy had been provided for in 1854 and there was a sum on the 1856 estimates, 'by some lapse there was no provision for 1855'. He asked the legislature to remember that many clergy were unable to afford a servant. 'It was not to the benefit of the State that this class of gentlemen should be reduced to this degrading state'. Plunkett 'was convinced the whole system was wrong, but at this late period of the session it was impossible to introduce any other system'.

Again the motion was counted out and again on 18 October.¹⁸ Douglass's persistence, however, won the round. His motion was passed on 30 October despite Campbell's protest that it would mean a violation of the principle of the Church Act. A major factor contributing to the success of Douglass's motion was the support of men such as Manning who, although favouring the voluntary system, voted for the extra grant because of the existing needs of the clergy. The motion, too, had been passed in a depleted council. Twenty-eight out of fifty-nine members had been present.¹⁹ The *Empire* pounced on another factor. Out of the eighteen who voted for Douglass's motion, ten were nominees 'having no constitutional right and much less a moral one to vote on such a matter', and it was by a majority of ten that the motion had been carried. 'Nomineeism has, in this instance, through his agency', commented the *Empire*, 'saddled the State with another £6,000 of worse than useless expenditure'. The public were warned that such an important question could not be assessed by pity for the economic situation of the clergy.²⁰ Anticipating the debate on the £14,000 supplement to state aid, the *Herald* emphasised the injustice of the existing system: congregations

¹⁸ *Ibid.*, 13 and 19 October 1855, report, LC.

¹⁹ *Ibid.*, 31 October 1855, report, LC.

²⁰ 17 November 1855.

fully supporting their own pastors 'are taxed to pay the increase' to ministers already state-supported. The injustice would not last long: "'all or none" will be the cry of every hustings, and be the resolution of every legislature',²¹

On 22 November 1855 Merewether moved that 'a sum not exceeding £14,000 be appropriated to defray the expense of temporary increases to salaries payable under Schedule C to Schedule I of the Imperial Act, 18 & 19 Victoria, cap.54'. In vigorous opposition, Campbell argued that the council in originally planning to help the clergy financially hoped for a corresponding generosity from the laity 'which would render unnecessary any further advance from the public funds'. Allen, voluntaryist though he was, put the issue on the basis that was very probably responsible for the motion being carried. The question, he said, was

not whether religion should be supported by the State, but whether those ministers who now received support from the Government should be placed on an equal footing with the civil officers, who received what was called the gold increase.

Despite Cowper's pleas that the matter was one for the new legislature, the motion was carried.²² The *Herald* promptly praised Cowper's stand and censured 'this last trophy of Government influence [as] alike partial, impolitic, and *oppressive*'. In the last year of the old legislature, then, state aid was decisively and irrevocably associated with the autocratic system that men had wanted the Constitution Act of 1855 to abolish. The Act itself had, in practice, continued the hated schedules. As the Colonial Secretary, Deas Thomson, had pointed out in the debates preceding the passing of the Constitution Act, 'We could not avoid it, as this is one of the conditions on which the land revenues are to be surrendered to us'.²³ So, in return for the Civil List of £64,000 a year, the Queen had surrendered the control of all revenues from New South Wales.²⁴

Out of the seventy-one candidates for the new 1856 legislature

²¹ 21 November 1855.

²² *SMH*, 23 November 1855, report, LC.

²³ E. K. Silvester, *The Speeches in the Legislative Council of New South Wales on the second reading of the Bill for framing a New Constitution for the Colony*, p. 168.

²⁴ The new Constitutional Act was published in the *Empire*, 26 October 1855.

who advertised in the *Herald* between January and April, only thirty indicated their views on the state aid system. Ten gave full support to the existing system, seventeen preferred the voluntary system with qualifications, usually insisting that stipends should be continued for the lifetime of those already receiving them, and three were evasively cautious, prepared to vote with the majority. The edge was with the state aid supporters—forty-two out of these seventy-one candidates were elected and, out of the fifteen elected who had spoken about the system, ten wanted it to continue, three did not and two were on the fence. During the campaign religious differences again centred round a Catholic candidate, this time Plunkett, standing for Sydney. Articles circulated disapproving of Plunkett as candidate on the grounds that he, as a good Catholic, would be under the directions of the Pope. The *Herald*, its attitude in striking contrast to that of 1851, warned of the consequences following religious discrimination and urged all to remember that they formed one people. The editor admiringly quoted from Polding's address to the Catholics:

That man is a pest and a domestic traitor amongst us, who, by naming the name of nation, or race, or class, or past injury, stirs up by word or pen one bitter feeling.²⁵

Concern for political harmony was also seen in the *Empire's* denunciation of the attempt of Congregationalists 'to create a religious ascendancy in Parliament' and in its opposition to the idea that the Catholics merited their own representative on the principle that, if one denomination had the right to have its ecclesiastical peculiarities represented, so had others.²⁶ That Plunkett himself relied, to some extent, on denominational divisions to bring victory was evident. Bitter after his narrow defeat, engineered as he claimed by Parkes, Plunkett publicly attacked McEncroe for giving Cowper his written promise to vote for him (Cowper):

he felt that it came with a bad grace from him (Mr M'Encroe) to take any step which would have the effect of disorganising his (Mr Plunkett's) election, as this letter had done. Archdeacon M'Encroe gave his vote in the early part of the day . . . large numbers of weak persons followed the Rev. Mr M'Encroe on this occasion.²⁷

²⁵ 26 February 1856, ed.

²⁶ 4 April 1856, ed.

²⁷ *SMH*, 21 March 1856, article, 'City of Sydney Election'.

The desire to avoid religious discriminations in order to secure unity, obvious in many electoral statements,²⁸ was also largely responsible for voluble opposition to the suggestion that heads of leading denominations should be offered seats in the new upper house. The *Empire's* main objection was that Polding and Bishop Barker would be offered seats merely because they were ecclesiastical leaders: 'If placed there at all, their church relations ought to be absolutely ignored. We must have no representatives of sects . . . in our Parliament'.²⁹ The *Herald* thought along similar lines and continued to emphasise that, if spiritual leaders gave their opinions in the council, they would undoubtedly arouse antagonism within their own denominations 'on account of the political course they choose'.³⁰ When the names for the Legislative Council were finally published, however, no clergyman was among them. 'R.S.' thankfully praised 'The better judgement . . . of our spiritual functionaries [that] has saved the colony from the admixture of religious rancour with political feuds'.³¹

The legislature itself was anxious to avoid anything savouring of religious discussion. When Thomas Holt, merchant and pastoralist, moved that the Legislative Assembly should 'acknowledge the Lord, and implore His blessing' before each session, the reaction was such that W. Forster, Conservative member for Murray, 'thought that the effect of that speech [of Holt] alone upon the House was a sufficient reason for opposing the motion'. S. A. Donaldson spoke of the 'many unnecessary difficulties' that would arise if the motion were successful. T. A. Murray supported him, believing as he did that 'mumbling over a prayer day after day' was no way to give praise to God. So Holt's motion was hopelessly lost by a majority of seventeen³² and the *Herald* wrote of the 'impossibility' of its adoption.³³ A similar motion introduced into the Legislative Council was as unsuccessful. The

²⁸ T. Barker, e.g., said: 'This was not the time to talk of sects. They were in the nineteenth century, when the enlightenment of man should for ever set aside petty distinctions and prejudices of creed'. *SMH*, 1 April 1856.

²⁹ 31 March 1856, article, 'Clerical Legislators'.

³⁰ 3 May 1856, ed.

³¹ *Empire*, 5 June 1856.

³² *SMH*, 4 June 1856, report, L.A.

³³ *Ibid.*, ed., pointed to the difficulty of deciding who should read the prayer as many denominations were represented in the assembly. The *Herald* also referred to the fact that some denominations forbade their members to join in prayer with other Christians.

legislature was not prepared to cope with 'the discussion of a matter on which there could not possibly be any mutual consent or agreement'.³⁴

With the prospect of an association being formed to work for the abolition of state aid to the churches, 'A Friend of Religious Freedom' wrote to the public. The issue, 'being a question of general taxation', was principally one for the laity and the writer urged that all opponents of state aid concentrate on the one point on which they were united:

Get all the help we can to settle the political question, which all understand, and in which all are interested, that is *no public taxation for religions*; let the clergy settle the theological principle involved in the case at their leisure.³⁵

Doubting that the time was opportune for such an association,³⁶ the *Empire* nevertheless questioned the wisdom of integrating the Civil List with a constitutional charter. Of one thing it was certain:

a disputed thing like State support for the clergy, has no identity of nature, no community of meaning, with the political charter which guarantees to us our common rights and liberties.³⁷

On the evening of 26 June 1856, in the theatre of the School of Arts, the society for the abolition of all state support for religion was inaugurated and Lang nominated Robert Campbell, M.L.A., an Anglican, as chairman. Campbell said that he had joined in the movement 'because he believed it would give far greater freedom to religious opinion than was at present granted to it' and that abolition would be distinctly to the benefit of his

³⁴ *Ibid.*, 30 October 1856, report, LC. The quotation is extracted from a speech by Justice Therry.

³⁵ *Empire*, 18 June 1856, letter.

³⁶ The editor was referring to the popular movement to abolish what was called the two-thirds clause—section XXXVI of the Constitution Act that gave the Legislature power to amend the Act with regard to the Legislative Council only if the second and third readings of such a bill had the support of two-thirds of the members of both houses. See Clark, *Select Documents, 1851-1900*, p. 348. This clause was repealed in 1857.

³⁷ 26 June 1856, ed. Not only did the editor emphasise the association of state aid with the Civil List imposed by the Constitution Act, 1855, but he also pointed out that the Civil List had disassociated the aid from the Church Act: 'The distribution of State funds for religious purposes in this colony is not made, and never has been made, according to the requirements of that Act'.

own denomination. Voller spoke and the vigour of the man brought an optimism to the meeting. He concentrated on the injustice of the state aid system and on the likelihood of its involving future taxation 'which will be utterly intolerable'.³⁸ Perhaps hoping to appeal to Catholics, a Mr Benbow referred to Ireland where 'that illfated people' were forced to support the established Church of England. Greeted with loud cheers, Lang spoke of the success of the voluntary system in America and welcomed Rev. William Ridley, a minister belonging to the Synod of New South Wales, as secretary of the new association. Due to the lateness of the hour the meeting was adjourned until 3 July.³⁹ At the second meeting Ridley, speaking at length, sought to win the support of the members of the four state-aided churches. He quoted Daniel O'Connell, Bishop Perry of Melbourne, Rev. James Walker, Rev. W. B. Clark, and 'An Influential Wesleyan', Mr Hebblewhite of Sydney, as supporting the voluntary system. Office bearers in the new society having been nominated, the meeting dispersed.⁴⁰ The formation of the society immediately brought more publicity to the issue.

Matters within the largest and most influential church contributed cause for many Anglicans to support the voluntary movement. The new Metropolitan Bishop of Australia, Frederic Barker arrived in May of 1855 to assume leadership over the Church of England, 'Disorganised and divided' as the *Herald* described her.⁴¹ The *Empire* was no less forthright: 'in the long interregnum, and before it, much has gone wrong' within the church and the editor wondered how Barker would adapt to colonial conditions. The Anglican laity—was the *Empire* warning the bishop?—'could put a veto upon the Bishop's veto [in church matters],⁴² by refusing the requisite pecuniary supplies, and by dissenting and with-

³⁸ Voller referred to the injustice of discrimination—only four denominations received state aid—and of men being forced to support religions in which they did not believe. He could have referred to other discriminations (see, e.g. pp. 137n., 149n.).

³⁹ *SMH*, 27 June 1856, report of meeting.

⁴⁰ *Ibid.*, 4 July 1856, report of meeting. Other ministers who spoke were Rev. S. Humphreys (Congregationalist) and Rev. G. Whiteford (Baptist).

⁴¹ 26 May 1855, ed. The editor cautioned Barker to have prudence: 'The population of this city is so mixed and so curiously balanced that the free forms of speech which are elsewhere current, without intended offence, become firebrands in the hands of the mischievous'.

⁴² 27 June 1855, ed.

drawing in case of his persistence' because the Church of England was not established in the colony.

In some ways Barker continued in the tradition left by his predecessor. He offended some of his flock by 'an act of pure despotism'⁴³ when he removed Rev. C. F. Priddle from his Balmain parish.⁴⁴ 'A Subscriber to the Ministers' Stipend', however, blamed the laity. If, he wrote, they would act in unison, reject the 'miserable pittance called "State support", and subscribe liberally towards the sustentation of the clergy, they could insist upon having a voice in the affairs of the Church'.⁴⁵ A deeper and more significant criticism was one censuring Barker and his clergy for mingling only with 'the wealthy and aristocratical portion of your Sydney flocks'. The critic prophesied that, if the laity could gain control over parish finances, no parishioner would leave the Church of England and the church would attract converts: 'in the present day, it is rather *social feeling* than points of doctrine that *makes men Dissenters, and keeps them such*'.⁴⁶

Circumstances forced Barker into action. At the inauguration of the Sydney Church Society, Barker admitted that 'The present position of the Church was a critical one—a very critical one'. The recent increase of twenty-six workers within the church and the necessity of supplying these with salaries meant that the resources of the Anglican Church had to be reorganised.⁴⁷ As Archdeacon Cowper said, the support of the clergy 'would of necessity become in future a most pressing and important' duty. Therefore, Allwood pointed out, at such a crisis a new impetus was needed: he announced the dissolution of the old Sydney Diocesan Society and hoped that the new society, well supported by the laity, would be 'considered as preparatory to, and so constituted as shortly to develop itself into, a church synod'.⁴⁸ The frank revelation of the Church of England's desperate need for

⁴³ *Empire*, 11 July 1855, letter, 'A Churchman'.

⁴⁴ *Ibid.*, 27 June 1855, article, 'St Mary's Church, Balmain'.

⁴⁵ *Ibid.*, 4 July 1855, letter.

⁴⁶ *Ibid.*, 25 September 1855, letter, 'J.M.'

⁴⁷ In his speech Barker said that he had been responsible for bringing to the colony 10 clergy, 4 scripture readers, 1 secretary and 2 schoolmasters. From the colony itself had come 4 clergy, 3 catechists and 2 scripture readers.

⁴⁸ Governor Sir W. Denison headed the new committee. *SMH*, 14 March 1856, report of meeting.

money aroused the *Herald's* comment that 'the scale of giving in the Church of England is ridiculously small'. Advising the Anglicans that the continuance of state aid 'for any very long time [was] most improbable', the *Herald* urged the laity to accustom themselves to support their clergy.⁴⁹

The committee's provisional report was published in the *Herald*. It estimated that there were 70,000 Anglicans and 58 clergy in the diocese and reported that 'Nearly one-half of those for whom Church accommodation should be provided are without any place in which to worship Almighty God if disposed to do so'. As the government income was 'incapable of increase' and 'contributions from England have reached their limit', the report urged that contributions be solicited from the laity. Heartily supporting the new Anglican venture, the *Herald* democratically objected to the committee's decision that voting rights within the society would be determined by the money contributed. At a meeting held to consider the committee's report, Barker firmly denied that the church was preparing to rely completely on the voluntary system: 'So far from repudiating State assistance, I greatly desire the increase of it'. It was evident from his speech that there was a division within the church concerning the new society and Denison was on Barker's side. If, Denison said, the voluntary system were adopted in the colony, 'I should look upon it as one of the greatest evils that could befall the Church' because ministers could not then successfully take their congregations to task. More sensitive to the general attitude, Allwood stressed that 'the administration of the society will be very much' in the hands of the laity. He stressed, too, that the society would prepare the way for the convocation of a synod.⁵⁰ Despite Allwood's efforts the laity continued to feel that they were outside church government. One critic accused churchwardens of being 'a parish parliament. Their authority is paramount'.⁵¹ 'A Churchman' acknowledged that 'the clergyman has, too often, in his own person been general officers and army' and, bemoaning the 'great want of more of the lay element in our government', hoped that 'we shall soon

⁴⁹ 15 March 1856, 2nd ed.

⁵⁰ *SMH*, 21 May 1856, report of the meeting.

⁵¹ *Ibid.*, 28 March 1856, letter, 'One of the Attendants at the Meeting'.

have a little responsible government in things ecclesiastical as well as secular'.⁵²

In November there were three meetings to protest against the renewal of the £14,328 to four denominations because, as 'A Thorough Voluntary' explained, 'many who could not screw their courage to the point of assailing an established grievance, are now aroused to resist the imposition of a new burden'.⁵³ At the meeting of the abolitionist society emphasis was placed, not on abstract principles, but on the financial burdens of the state and indirectly, on the greed of state-aided clergy. 'They now wanted £14,000 additional, and having got that', complained Rev. Samuel Humphreys, Congregationalist, 'They would ask for more and more'.⁵⁴ The partiality of the application of state aid was thrown into high relief by the extra grant. The *Herald* pointed out that the Church Act had extended financial aid without restriction and had never intended government stipends to be the sole support of the clergy: Britain had been responsible for the schedule placing a limit to state aid and, consequently, to the number of denominations able to receive it. Denominations unwilling to disturb the existing system for fear of creating disharmony had hitherto been acquiescent. 'But the Government has now raised this evil spirit, and who shall quell it? . . . what madness', pondered the *Herald*, 'when the excluded were silent under a wrong, to add to that wrong'. The alleged cause for the increase was under suspicion:

The money granted [increase of 1855] to the ministers of religion who have access to legislative succour, was shamefully applied. Many obtained it who did not want it, and we believe who never spent it.⁵⁵

The Unitarians held a meeting in their chapel in Macquarie Street to adopt a petition against the increase to state aid. Rev. G. H. Stanley saw the success of the petition as the first step towards complete abolition simply because 'it was practically

⁵² *Ibid.*, 21 April 1856.

⁵³ *Empire*, 18 November 1856. 'A Thorough Voluntary' informed his readers that two aged prelates of London and Durham with £20,000 a year had finally acknowledged that they were too infirm for their duties and so asked for £6,000 a year as pension. He wondered if such would become the case in N.S.W.

⁵⁴ *SMH*, 21 November 1856, report of meeting.

⁵⁵ 25 November 1856, ed. Possibly the last sentence was applied to clergy who were already receiving large stipends.

impossible to make a fair distribution of £28,000', although he also saw that the system 'exercised a deadening influence over the churches receiving State aid'.⁵⁶ At the Congregationalist meeting Dr R. Ross scarcely restrained his anger: 'Twist and turn it as you will, none of these people [in the legislature] have any right to make me pay for that which is a plain bargain between God and their own souls'. There was no guarantee that the supplement to the four denominations would not annually increase—last year, £6,000, this year, £14,000 so, he predicted, it would possibly be £30,000 next year. To prove that the voluntary system was successful in the colony, Beazley asserted that the Synod of New South Wales had collected £26,689 for church purposes between 1851 and 1856. It was pointed out that, between 1842 and 1856, the Congregationalists had been able to expend on church purposes a sum of £49,268.17s.10d. One section of their petition was popular: 'That it is inexpedient and practically unjust to attempt by force of law to sustain religion in any circumstances and more especially by a legislature, and in a community divided as to religious sentiment'.⁵⁷

Where the Congregationalists had emphasised the essential cleavage between church and state as the major reason for opposing state aid, the Presbyterians belonging to the Synod of Eastern Australia based their opposition on the 'promiscuous endowments' maintaining error as well as truth.⁵⁸ The *Herald* warned that this was a weak argument: it would be 'iniquitous' to endow only one church in the colony and it believed that no one would ask for this. There were two courses facing the government according to the *Herald*, either to pay back to each sect what it contributed to the revenue or to abolish state aid.⁵⁹ The voluntaryists were as yet, the *Empire* reported in December, attacking state aid from different viewpoints: the Congregationalists opposed it because state aid was a violation of their own religious principles; the Presbyterian Church of Eastern Australia maintained that the

⁵⁶ *SMH*, 27 November 1856, report, 'State Aid for Religious Purposes'.

⁵⁷ *Ibid.*, 25 November 1856, report of meeting.

⁵⁸ *Ibid.*, 9 December 1856, report of meeting of Presbyterians at the Free Church, Macquarie Street. The words quoted are those of Rev. W. Lumsdaine. All these meetings, while opposing the state aid system in general, concentrated their forces on the proposed supplement.

⁵⁹ 10 December 1856, ed.

church teaching the truth should be supported; and the Unitarians held that all churches should be supported.

On 11 December 1856, in the Legislative Assembly, an Anglican member, R. Jones, moved that no increase should be voted to the sum reserved for public worship and that state aid should be gradually abolished on the very principle that was to be the basis of Cowper's successful 1862 bill. Throwing the responsibility on the British government for the injustices of the present system,⁶⁰ Jones placed before the legislature what many were coming to see as the only two alternatives of action, either to pay all ministers of religion an equal and satisfactory stipend or to withdraw all state aid. H. W. Parker, Premier, defended the colonial government. Census returns were 'most religiously observed' in the distribution of funds and, since £3,748 of the supplement was set aside as stipends for clergy residing on the gold-fields, only £10,580.8s. was actually required. He said the issue before the legislature was not whether the supplement to the schedule was wise but 'whether they would now withdraw the gold increase from the clergy after having given it to other branches of the public service'. Justice was being weighed against justice. Where Jones had inveighed against the injustice of the existing state aid system and had therefore attacked the supplement which rendered the injustice still greater, Parker argued that, so long as certain clergy were legally connected with the government, the government was bound to consider them exactly as other government men were considered.

Men such as John Robertson stubbornly clung to the old objection: since the bulk of funds given to public worship was beyond the control of the legislature,⁶¹ the legislature should show their reaction to such lack of trust by refusing to add one penny to the amount. Solicitor-General J. Darvall, confessing that it was 'a matter of extreme difficulty', shrank from 'the fearful experiment' of the voluntary system. His, too, was an old attitude:

⁶⁰ Jones listed these injustices: only four denominations were aided; thinly populated areas did not receive state aid; people were forced to contribute to state aid against religious principles; dignitaries of Anglican and Catholic denominations received large stipends.

⁶¹ The Civil List, it will be remembered, had taken the place of the schedules. The legislature could abolish the whole sum with the Queen's assent, but, until it did so, it could not touch the stipulated £28,000.

religion . . . [should] be looked upon as an instrument of the State, the effect of which they could increase by their liberality, for the safety of the people and the benefit of the community.

Plunkett, with Robertson, objected to supplementing the schedules, 'except', Plunkett qualified his objection, 'in some purely temporary way'. Plunkett outlined his scheme of what he called 'compulsory voluntarism' whereby each man was forced to contribute towards his own church. The purely voluntary system would, he claimed, result in the burden being borne by a few and he hoped that the government would, in the next session, adopt his own suggestion. Throughout the debate a genuine concern as to the best mode of furthering religion was evident and it was this concern that led to the defeat of Jones's motion. Even Lang, aggressively voluntarist as he was, opposed it because he felt, as did others, that the end of the year was not an opportune time to discuss so important a subject. Nor had Jones's second resolution been a wise one. As Manning, Attorney-General, pointed out, 'The proper course to be taken in such an important matter was to bring in a bill to amend the Constitution Act', which bill would have to pass both houses and receive the assent of the Crown. Jones's resolutions were defeated on these grounds rather than on the issue of state aid: the government was not prepared to settle the issue without giving it the consideration it merited.⁶²

The *Herald*, however, saw reason for the opponents of state aid to be satisfied. Parker, as head of the government, had rested the

whole case on the equity of dealing with clerical officials as with others. It was not with them a religious—not even an ecclesiastical—affair. They held that the State having promised a certain support to certain men, the colony was bound to adjust the money payment to the state of the markets.

Moreover, the *Herald* shrewdly saw that 'All speak of some change as indispensable to bring the practice of the colony into harmony with equity and common sense'.⁶³ Those who favoured

⁶² *SMH*, 12 December 1856, report, LA.

⁶³ 15 December 1856. Plunkett's acknowledgment of the necessity for some change in the system would doubtless have influenced some moderates because it had been Plunkett who had drafted the Church Act. The *Herald* believed that Plunkett was very popular. See, e.g., ed. 3 January, 14 March 1856.

at least some form of state aid were uncomfortably aware that there was obvious need for change in the system, 'the present mongrel plan' as the *Empire* bluntly called it, yet they must have been aware, too, that, if justice were to be rendered, the financial burden would not be acceptable. More than that. The constitution of the colony was not that of 1836: 'If money is to be granted for public worship at all', pontificated the *Empire*, 'it should be done by the free determination of a free parliament'.⁶⁴ An annual debate on the issue, however, would, judging from recent discussions, arouse too much antagonism and, making state aid purely temporary, would place the clergy in a very precarious position. Plunkett's scheme for compulsory voluntarism did not escape criticism. Would he, asked 'R.S.', coerce those who wished to be voluntarists? That would be nothing else but 'war against all individual liberty of conscience, and all freedom of religious action'.⁶⁵ On 13 December the *Empire* cut through the varying opinions to the bone of the issue:

If the liberal principle of the Church Act was right, it ought now to be revived; and if it cannot be revived by the distribution of funds to all denominations, the equal justice of it should be maintained by reducing them all alike to their self-energy.

Some democratic spirits criticised the larger stipends given to dignitaries within the churches. The government grants, being 'entirely in the hands of the Bishop', made them 'in fact so many pieces of absolute patronage'. The result was, alleged 'Aquarius', that the bishop 'has a clear and distinct object intelligible to all for resisting any withdrawal of State aid as a diminution of this ever-increasing patronage'. He believed, too, that the laity were unwilling to augment the power of the bishop by contributing to the church.⁶⁶ Criticising the newly established *Church of England Chronicle* as merely an organ for the bishop, 'Anglicanus' complained that it was attempting to discredit synodical government which, in his opinion, social changes now required:

Our present ecclesiastical system was established to meet the wants of the colony as a penal settlement. In those days, few had any rights—they had forfeited them as convicts.⁶⁷

⁶⁴ 1 December 1856, article, 'Schedule C and the proposed addition'.

⁶⁵ *Empire*, 19 December 1856, letter.

⁶⁶ *SMH*, 9 December 1856, letter.

⁶⁷ *Ibid.*, 23 December 1856, letter.

'Deriteros' closely associated politics and religion and called it 'very strange' that the subject of church government had no place in the movement bringing about the establishment of responsible government. He maintained that 'we must allow other voices to be heard in the matter of patronage beside the Bishop's'.

Broughton's problem that had sent him twelve thousand miles to seek advice was now Barker's: the laity's desire to participate in church government had not abated in the years of enforced waiting. When a statement was made that St Michael's Church at Surry Hills had been built without the assistance of state funds,⁶⁸ 'A Voluntary' contradicted it. He then irritably implied that a voluntary church was not encouraged by higher clergy so voluntary contributions simply served

to augment Government patronage, and perpetuate an ecclesiastical system which denies to the members of the Anglican Church that liberty of action which the law accords to all, and which other Christian bodies freely enjoy.⁶⁹

In another letter he revealed how closely political trends were affecting the attitude to church organisation.

The voluntary system, as opposed to the State-aid system, is the carrying out in matters ecclesiastical a principle analogous to that grand constitutional principle for which Englishmen have often so sternly and so successfully fought in matters political. This principle is opposed to centralization, and claims for every parish the uncontrolled management of its own affairs.⁷⁰

The relative unimportance of the issue that occasioned the outburst only proved the restless criticism that existed, so easily ignitable, among the Anglican laity.

The attitude, however, was not confined to the laity. In May of 1857 a clergyman wrote in pamphlet form an open letter to the bishop.⁷¹ Warning Barker that 'few of the Clergy beyond

⁶⁸ *Ibid.*, 17 March 1857, article, 'St. Michael's Church, Surry Hills'.

⁶⁹ *Ibid.*, 19 March 1857, letter.

⁷⁰ *Ibid.*, 30 March 1857. In this and in his previous letter 'A Voluntary' angrily points out that, under the state aid system, the bishop alone had power to appoint clergy to parishes. If the voluntary system were in operation the people would have influence in the appointments.

⁷¹ A Presbyterian: *The Unpopularity of Modern Episcopacy and some of its Causes considered with reference to the Anglican Church in New South Wales in A Letter to the Lord Bishop of Sydney.*

your own very exclusive circle, and none of the laity are satisfied with this arrangement', he denounced the Sydney Church Society as being completely under the control of the bishop and claimed that the demand for a synod was growing. The state was censured as

abrogating here the ecclesiastical law of England, and providing no substitute while it hands over to the Bishops the money power (our only efficient ecclesiastical power at present) uncontrolled by the representative and constitutional checks, which regulate all other branches of public expenditure.

A fiery letter from 'Laicus' applauded the outspoken minister. Because many, he wrote, were considering 'withholding the means [state aid] which now enable you to set our wants and wishes at defiance', he advised Barker on the only way to win his flock's co-operation: '*cast aside your present temporising and unsatisfactory policy and at once give us our Synod*'. Provoked by the pamphlet, letters continued for some time in the *Herald* arguing the case for and against the synod. As those who agitated for synodical government referred significantly to the basis of Barker's power, his control over church finance through the state aid system, these men would not look unkindly on the abolition of state aid.

The movement towards the voluntary system was further stimulated by incidents in which many laymen and some clergy believed that both Barker and Tyrrell had unjustly used their powers. Tyrrell was publicly attacked for what was believed to be the unnecessary removal of two ministers from their parishes. An incensed layman reminded a meeting of Anglicans that, although 'His Lordship [Tyrrell] might have the power . . . they must not forget that they held the purse strings'.⁷² When 'A Layman' ventured to condemn the public censure of the bishop,⁷³ 'Anglicanus' angrily ridiculed 'such a strange and dangerous theory of social law'. Although he himself objected to state aid to religion, 'Anglicanus' nevertheless believed that, while it was given, no objection could be taken 'to use the organs of worldly

⁷² *Empire*, 23 January 1857, report of Anglican meeting in Raymond Terrace.

⁷³ *Ibid.*, 13 June 1857, letter.

politics to discuss the polity of the Church'. He then claimed that a bishop's official acts were not '*ecclesiastically* valid and binding in this colony, without the consent of the Anglican Church *formally, legally* and *constitutionally* declared'. So the issue returned to the perennial demand: 'We mean to agitate the question of a Church constitution, *until we get it*'.⁷⁴

⁷⁴ *Ibid.*, 19 June 1857, letter.

9

State Churches

The last years of the 1850s witnessed the climax of the government's embarrassing and irritating interventions in church affairs. Because these interventions, so inevitably inflaming religious susceptibilities, had their origin in the 1836 Church Act with its financial grants to four denominations, the state aid system came under closer critical scrutiny. These were the years, too, which witnessed in the two most influential Churches, Anglican and Catholic, public confrontation of ecclesiastical hierarchy with active vocal laity pressing for an effectual participation in church government and unhesitatingly threatening abolition of state aid. With manhood suffrage being introduced in 1859, this threat was the laity's most telling weapon. In the final count, the laity controlled the purse strings.

Although with reluctance, the government was forced to act even in trivial church affairs so long as they were linked with the Church Act. The Anglican decision to enlarge the period of lease of church property from 28 to 99 years in order to secure a greater revenue was a case in point. When Cowper introduced the Church of England Temporalities Act Amendment Bill in August 1857, the legislature revealed in its deliberations a wariness born of experience in dealing with church matters.¹ More serious complications arose when state aid fanned internal dissension within one particular church. Once the state augmented clerical stipends the Anglican clergy were quick to point out what they deemed unjust discrepancies and were only too ready as well to see these as manifestations of their bishop's partialities. The image of church dignitaries and state ministers working

¹ *SMH*, 11 November 1857, report, LA.

together to exploit and to keep in meek subordination those under them began to be projected strongly.

In the Legislative Assembly Premier Parker explained, in answer to a specific query, that G. N. Wood had not received in full the additional £100 because he was enjoying a residence furnished by the government.² One result was the publication of a spate of letters in the *Herald* during March 1857. 'A Married Clergyman', claiming that many were in the same position as Wood, indignantly protested at government injustice. 'Schoolmasters', he wrote, 'who have a "free" house receive 75% [increase on normal salary], and have *no* deduction from their pay'. Jealousy between the established clergy and the newer arrivals was discernible in the accusation that Barker took care 'all his neophyte clergy' received a clear £300 a year. 'A Married Clergyman' testily wondered, 'Why are the "old hands" allowed to be mulcted by an indirect house-tax?'. The complaint was seen from another angle as well; the legislature had voted a certain increase to stipends and its decision was being overruled by the premier. Testifying to improvements to his parsonage totalling £1,000, 'G.E.T.' calculated that he had actually lost by the recent government grant. From 1854 he had received £100, £50 given voluntarily and £50 from the government; now he was only receiving £66.13s.4d. because of the house tax. Another clergyman, complaining of the grievance 'under which we *old hands labour*', bitterly advised young colleagues to build their own parsonages.

Church trustees clashed with the government over ownership of land on which an Anglican parsonage stood in Pitt Street. They had obstinately clung to the land from 1840 but Barker overruled them and 'applied for and obtained a grant of the land to himself as sole trustee' on 27 October 1857. He then promised to give the trustees ownership of the land on the condition that the proceeds of its immediate sale should be appropriated in the manner he specified. The trustees were unwilling to co-operate.³

² *Ibid.*, 4 March 1857, report, LA. The clergy in this position forfeited a third of the increase to their stipend.

³ Both bishop and trustees agreed that a parsonage for Trinity Church within St Philip's parish should first be built but the bishop wanted the surplus of the sale devoted to a new church for the parish (*SMH*, 30 September 1859, 2nd ed., gives the history of the dispute) and the trustees wanted the surplus to go towards additional parsonages or towards the maintenance of clergy. *Ibid.*, 4 August 1858, report, LA.

Because it was not within the power of trustees to apply proceeds of the sale of church property to any other purpose than that of building parsonages, the issue had to come before the legislature which, to the chagrin of the trustees, decided in favour of the bishop. Although the *Herald* sided in the issue with the bishop it had to admit that fuel had been added to the discontent within the church. In its opinion the great question agitating the Church of England was 'the relation of their Bishops to the civil power and their influence in the appointment of ministers'.⁴ Chary of publicity and determined to avoid any new ties with churches, the government, soon after this incident, refused to countenance a grant of £1,400 towards the erection of a mariners' church despite the contention that 'no sectarian purposes would be served by this institution'.⁵ As 'Caledonia' wrote:

if the sphere of Government, and that of theological opinion 'should be absolutely and entirely separate' in any portion of her Majesty's dominions, New South Wales is that portion; for the commingling and clashing of these spheres is, in these very times, bringing forth the most bitter fruit.⁶

That it was the bishop, as head of the Anglican Church, who directed the government stipends, was obviously seen on the death of Archdeacon Cowper. Barker directed that £300 of the archdeacon's stipend should be given to augment that of his son, Rev. William Cowper, on his new appointment as dean of Sydney and the remaining £160 given as stipend for the incumbent of St Philip's Church, Sydney. The public were informed that the appointment was an example 'of the irregular and arbitrary system under which the grants of money, drawn from the State, are liable to be distributed',⁷ and the elevation of Cowper to a deanery was judged an injustice to the incumbent of St Andrew's, 'an attempt made to reduce that incumbent to the state of a curate'.⁸ The appointment was to have later repercussions.

Barker's preparations to make the church more independent of state aid were continuing. At the annual meeting of the Sydney

⁴ 16 August 1858, ed.

⁵ *SMH*, 11 September 1858, report, LA.

⁶ *Ibid.*, 26 October 1858, letter.

⁷ *Ch S*, 17 December 1858, ed., 'The Privileges of Bishops—What are they, and do they really exist?'

⁸ *SMH*, 31 August 1858, letter, 'A Parishioner of St. Andrew's'. 'J.C.P.' explained that Cowper had not been made the parish priest of St Andrew's and so the status of Rev. G. King was unaffected. *Ibid.*, 2 October 1858.

Church Society he expressed his pleasure at its success and his hope that the diocese would adopt Tyrrell's scheme of supporting the clergy. He promised, too, consideration of synodical government. In his speech Denison linked political and religious government: he would be happy to see in the working of the synod 'some measure approximating towards the legislative power they conferred upon their representatives in the Assembly'. Such blurring of the mode of government for two distinct organisations accounted for much of the disturbances within the two hierarchical Churches, Anglican and Catholic. It was quite evident from this meeting, however, that the Anglicans were in no doubt that state aid would soon be withdrawn: Denison himself was speaking in favour of the voluntary system.

Irritated by recent examples of the bishop's autocratic power and stimulated by the promise of a synod bill, the Anglicans concentrated on the nature of the synod indicated by the draft bill. The state aid issue was again to the fore. Objecting to the proposed clause whereby only clergy licensed by the bishop and only laymen who were communicants could be admitted to synodical councils, 'An Anglican Presbyterian' protested that such restrictions could not be 'reconciled with that liberal system of finance which the Church adopts in receiving pay from the State, for "all sorts and conditions of men", who may nominally profess to belong to her'. The one alternative he could see to these restrictions was 'the total abolition of all State aid'.⁹ Admitting that 'I have witnessed and deplored the evils resulting from the concentration of all power in the hands of one man', influential Allwood backed the demand for a liberal synod.¹⁰ Stack, in his lecture on 'Objects and Principles of Synodical Action', called for retrenchment of the bishop's power.¹¹ So strong was the support behind Stack that the *Church Sentinel* was begun on 24 November 1858 with an avowed purpose

to watch against and resist the pretensions of the hierarchy, which seeks to claim as its own exclusive and individual possession, rights and privileges which belong to the Church—thus making the Church a sort of appendage to the hierarchy, not the hierarchy to the Church.

⁹ *Ibid.*, 7 September 1858, letter.

¹⁰ *Ibid.*, 26 October 1858, report, 'Synodical Action'.

¹¹ *Ibid.*, 19 November 1858, report of lecture, 'Synodical Action'.

The new paper symbolised the liberal and progressive feelings in the colony.

Barker was aware of the undercurrents against him. At the visitation of his clergy he tried to assuage the ill feelings between the older clergy and the more recent arrivals. He spoke, too, of the basic cause for disturbances within his diocese—'the independence bordering upon unwillingness, to yield even a reasonable submission to authority'.¹² A day after the visitation the conference on the synod began, 24 November 1858, and debate first centred on whether a bill was necessary before the meeting of a synod. Finally deciding in favour of a bill, the conference adopted the draft bill with some modifications. A crucial clause that cut across the laity's desire for participation in church government had been that permitting the bishop a right of veto on synodical proceedings: it was finally accepted but powerful opposition against it persisted.¹³

The conference, therefore, did not allay discontent and, indeed, several incidents connected with it served to deepen resentment of the bishop's power. Dr Woolley, for example, presented a petition claiming that he was 'practically outlawed from the communion of the Church' because he had not been allowed to vote for a representative from his parish and that he had been refused admittance as a clerical member even though he was a licensed clergyman. The bishop finally extended a personal invitation to Woolley, who then declined it because it was not an official recognition of his rights.¹⁴ The *Church Sentinel* strongly protested against Denison being a lay representative as it contravened the neutral position of a governor-general and its editorial in December was straight to the point:

observation has shown in Sir William a manifest intention to support the Bishop, as a sort of correlative power in the community,—and no one sees the two functionaries, night after night, in friendly juxtaposition, without feeling that the visible embodiment of *Church* and *State* is presented in too palpable a shape, and with rather too obvious a regard to scenic effects. The joint action of these combined forces is readily understood,—and while the Bishop

¹² *Ibid.*, 24 November 1858, report, 'The Bishop's Visitation'.

¹³ Reports of the conference are given in *ibid.*, November, December 1858.

¹⁴ *Cb S*, 29 November 1858, article, 'Progress of Events'.

sways the clergy, dependent upon him for their bread,—Sir William's influence, on the other hand, must act largely upon the not inconsiderable proportion of lay representatives, who follow where authority leads the way.

Feeling that it had been a packed meeting the *Church Sentinel* refused to accept the draft bill on the synod as final. And at the Newcastle diocesan conference in December 1858, Tyrrell was unwilling to accept the right of a bishop to a veto. This boded ill for the future of Barker's synod bill.

The close relation between the state and the Anglican Church was also underscored when W. R. Piddington, a squat and burly figure, asked Cowper, the premier, how the governor-general acted upon the 22nd section of his Royal Instructions which gave him the right to 'appoint provisionally' Anglican clergy to their cures and to confer with bishops on all religious questions. If the instructions were carried out, Piddington argued, 'it would be an infraction of religious equality, as it would create in the colony a quasi-religious establishment'. Warily, Cowper replied that 'he should be glad if the time had arrived when the Government was not called upon to aid in the support of religious denominations'. The bishop, he explained, submitted his recommendations to the governor-general who transferred these to the executive council where they were adopted 'as a matter of course'. It was even a necessary regulation, he reminded the assembly, before state stipends could be paid and the same practice was adopted with all the four churches associated with the state.¹⁵

Deas Thomson presented the Church of England's synod bill in the Legislative Council on 12 October 1859. On the same day Fullerton petitioned the house to refuse to pass any bill either enforcing religious doctrines and church discipline or conferring any exclusive rights on members of the Church of England that 'would tend to make that Church be regarded as Established Church of the Colony'. Despite claims that the bill would introduce ecclesiastical legislation a select committee was appointed to consider the bill.¹⁶ Deliberations were lengthy and the favourable report was not handed in until 23 May 1860. Then constant

¹⁵ *SMH*, 15 December 1858, report, LA.

¹⁶ *Ibid.*, 13 October 1859, report, LC.

postponements in the council caused the bill to lapse through prorogation.

Deploring that the Church of England should deliberately seek the aid of civil powers to enforce the discipline of its ministers, the *Southern Cross*, 22 October 1859, warned Barker and his colleagues of their error 'in supposing that they can create an Anglican episcopate in this colony, and arm it by law with spiritual thunder'. Three days earlier the *Freeman's Journal* had also protested against the synod bill and claimed that religious equality was being threatened. The *Christian Pleader*, on 20 August, gave its opinion that the synod bill was 'the first and the main step towards "establishing" the Episcopal Church as the one state denomination of the colony'. As soon as the Anglicans had mooted the bill, Congregationalists announced that 'the hour was coming very speedily when they must enter, in spite of themselves, the area of controversy'. If the Church of England, solemnly asserted one Congregationalist minister, were not receiving state aid, the Congregationalists would not have opposed an Anglican synod.¹⁷ The clamour within his church had thus driven Barker to move towards synodical government as the sure means for uniting his divided flock but he had succeeded only in focusing critical public attention on what was thought to be his bid to make his church the established one in the colony. By introducing the synod bill Barker had also involved the government, placing it in the position of adjudicator in a religious controversy over church organisation and authority.

In November of 1857 the government was once again in the religious arena. During the passage of St John's College Bill it had been noted that the ninth section required graduating persons to produce certificates of competent religious attainments from the head of their respective churches. This stipulation had had its origin in the Affiliated Colleges Act of 1854. It was, so W. B. Dalley, member for Sydney and a Catholic, remarked, in direct violation of the twentieth section of the University Act stipulating that no religious test should be given to a person seeking admission

¹⁷ *Ibid.*, 2 November 1858, report of Congregational Church Missionary Society. The Synod of Australia was also alarmed. It appointed a committee to safeguard the 'interests and position of this Church, as a Church entitled, in this colony, to equal privileges with the Church of England or any other Church'. *Ibid.*, 8 November 1858, article, 'The Synod of Australia'.

to the university. He introduced an amendment bill in order to eliminate the relevant clause. As a member said, the required certificate was a farce—who could define what a competence of religious education was?¹⁸ The Legislative Council, however, continued to postpone the second reading of the bill until it lapsed through prorogation. Dalley stubbornly reintroduced the bill at the end of April 1858. When it again reached the council the issue had to be faced. Even the President, Sir William Burton, conceded that, considering the diversity of religions in the colony, 'it must be seen that there was no ground for a religious test'.¹⁹ The realisation that the first student to claim that he had been excluded from a degree award because of unorthodox views would have a crowd of militant sympathisers supporting him must have had by no means a slight influence on a government desirous of avoiding religious topics that would inevitably lead to heated discussions. The governor-general gave his assent to the amendment bill on 25 August 1858.

St John's College Act was responsible for another controversy, this time involving both the principle of religious equality and the colony's political relationship with the imperial parliament. Because the Act contained the words, 'Archbishop of Sydney' and 'Archdiocese of Sydney', Barker protested against legal recognition 'being given to titles and designations which appear to me unconstitutional, and which have already been discountenanced by the Imperial Government'. When Denison turned to Attorney-General James Martin for advice, Martin was unperturbed: because there was no established church in New South Wales, Anglican and Catholic bishops had jurisdiction only in spiritual matters and their dioceses merely pointed out 'the Territorial limits within which that Spiritual jurisdiction is to be exercised'. Denison, however, was doubtful and forwarded St John's College Act (to which he had already given assent), together with Barker's and Martin's letters, to England. Ignoring a subordinate's opinion that Polding's assumption of 'Archbishop' was 'an usurpation', Stanley, deciding that 'The controversy is not worth the trouble', suggested a compromise. The bill could be amended by prefixing the questioned words with 'Roman Catholic'.²⁰

¹⁸ *Ibid.*, 2 December 1857, report LA.

¹⁹ *Ibid.*, 19 June 1858, report, LC.

²⁰ For relevant letters see CO 201/502.

Of course the matter finally came into the legislature. D. H. Deniehy, a Catholic, demanded an address to the governor-general asserting that religious equality countenanced such designation and jurisdiction as each spiritual head required to exercise his spiritual powers. According to Plunkett, Deniehy's resolutions, the basis for the address, were 'simply declaratory of the principle of religious equality'. One member was prepared to oppose the motion on this very point. There were four state churches, he believed, as four churches were state-paid and 'there never could be religious equality when the State stepped in and paid the ministers of certain denominations'.²¹ The prolonged debates revealed both the wariness of members in giving official decisions on religious topics and an eagerness to air their personal views. Brutus of the assembly, J. Hay, summed up the attitude of the moderates. Although he had no wish to commit himself in voting on the resolutions, he would like Stanley to be informed of his inability to dictate to the colonial government. Hay observed that it was not the laity's zeal but the clergy's that 'was most likely to be exercised in a manner dangerous to the civil liberty of the country if they were not watched by the laity'.²²

When Robert Campbell insisted that the Queen alone had the right to approve dioceses, Plunkett lost all patience. 'If there was not religious equality, in the name of Heaven let it be known', he burst out. John Robertson coolly said Plunkett was labouring under a misapprehension believing 'that the people of the colony had religious equality, but that they would never have unless the connexion between Church and State was severed'. William Forster, already prominent in the movement to abolish state aid, declared that, if the separation of church and state concerns were as close as many thought, then 'how little was the influence the present Legislature could exercise in determining the ecclesiastical question involved'.²³ It was an easy solution for men who lamented the mistake of the legislature ever formally recognising ecclesiastical jurisdiction in either St Paul's or St John's College Acts. Before the debate was decisively concluded, parliament was prorogued and so the matter was allowed to lapse, doubtless because

²¹ *SMH*, 30 October 1858, report, LA.

²² *Ibid.*, 3 November 1858, report, LA.

²³ *Ibid.*, 24 November 1858, report, LA.

many agreed with the *Herald* that the circumstances were 'calculated to excite a spirit of religious animosity in the community'.

The *Herald* had joined the fray in November and enlarged on the framework within which the issue was debated: if religious freedom and equality for all denominations were to be fundamental principles then there would have to be a rapid termination to the system of state aid. The alternative was to grant state aid to all sects but the *Herald* very much doubted if legislators were prepared to augment the public burdens in finance and if 'our conscientious and religious men were prepared to apply the public revenues to every form of religious absurdity and pretence'. The *Church Sentinel* followed Deniehy's political emphasis in the controversy: 'It touches the independence of colonial Legislatures'. The paper urged colonists to join with Deniehy 'in asserting our full and complete right, to manage our own religious and educational establishments'.²⁴ However, as men in the legislature had felt, if the churches had not been connected with the colonial government by state aid, the political aspect might never have arisen.

Dutifully informing Stanley of the legislature's objection to his suggestion, Denison expressed a hope that 'you may not think it necessary to advise Her Majesty to disallow the enactment in question'. The Duke of Newcastle, Secretary of State for Colonies, finally gave his deciding voice: 'the matter should be allowed to drop', and, despite a further appeal from Barker, he decided to allow St John's College Act to take its normal course.²⁵

In trying to secure an affiliated college with the university, the Presbyterians faced the obstacle of their five divisions:²⁶ in the impasse to which these led, they finally petitioned the government to intervene. Many blamed state aid for the five divisions. As early as October 1855, 'H.G.' stated that attempts initiated by the Synod of Australia to accomplish a union between itself and the Free Church Synod had 'signally failed, and that mainly, if not

²⁴ 29 November 1858, article, 'Mr. Deniehy's "Resolutions" considered in their Political Aspect'.

²⁵ For letters see CO 201/504 and 201/508.

²⁶ These were: Synod of Australia (state-aided); Presbyterian Church of Eastern Australia (often called the Free Church); Synod of New South Wales; United Presbyterian Church; and the unattached Presbyterian Church at Balmain.

solely, through the alleged inability of the Free Church authorities to stand the foul odour of schedule C'. Fullerton denied this. He reasonably pointed out that the Presbyterian divisions upholding the voluntary system did not unite but Lang still blamed state aid for the lack of unity among the Presbyterians.²⁷ In March of 1858 Lang had been mainly responsible for an advertisement inserted in the daily papers inviting all Presbyterians, 'without distinction', to a public meeting to consider a common college. The advertisement not only recounted the earlier efforts to establish a college but also outlined the principles on which the college should be based.²⁸ Although the Church of Eastern Australia had originally doubted whether it could join with the state-aided Synod of Australia to establish a college, the two groups immediately coalesced to rush a meeting chaired by Denison on 5 April and, in this way, hoped to circumvent Lang who was, as he said, 'the Senior Presbyterian Minister in the Colony'.²⁹ Although uninvited, Lang attended on 5 April and strove to move amendments which would permit the other Presbyterian groups to join in the college project but, after an appeal to the meeting, Denison refused to accept the amendments.³⁰

Aggrieved Presbyterians called a meeting on 12 April. The chairman, John Robertson, M.L.A., deplored the exclusion of both the United Presbyterian Church and the Synod of New South Wales from the earlier meeting. Lang spoke at length and explained the point at issue: the framers of the Affiliated Colleges Act intended one Presbyterian college embracing all divisions. Lang claimed that he was responsible for the deletion of an original clause in the Act limiting it to the four state-aided denominations. He now charged

the parties who have been getting up this Presbyterian College in their own idea . . . that they have acted all along as if the original clause that was excluded from the bill was still part of it, as if they had a right to dictate to any other part of the Presbyterian communion whatever.

²⁷ *Empire*, 27 October 1855, letter; 14 April 1858, article on Presbyterian College.

²⁸ *Ibid.* Lang admitted his responsibility in a letter to the *Empire*, 2 April 1858.

²⁹ *Ibid.*, 29 June 1858, letter, 'J. D. Lang'.

³⁰ *Ibid.*, 20 April 1858, article, 'Presbyterian College'.

State aid, too, was preventing a combined college. On behalf of the United Presbyterians, Rev. Hugh Darling had declined to unite with the Synod of Australia since the Synod and those in agreement with it had insisted that a Theological Faculty supported by the state should be included in the college from its origin. Lang believed that such a faculty was 'perfectly impracticable in the present divided state of the Presbyterian Church' and saw the proposal as 'a dishonest attempt' to exclude some Presbyterians.³¹ Nominated at a second meeting held a week later, the provisional committee requested the Exclusionists to meet with them to discuss the situation and to attempt to come to a compromise. When the overture was refused, Lang published the correspondence between the two committees in the *Empire* on 12 June and, at yet another public meeting, he regretted the formation of two 'antagonistic' committees which would result in many Presbyterians standing aloof from the whole matter.³²

In June 1858 Lang took the matter to the Legislative Assembly. His petition begged an inquiry; some Presbyterians were trying to defeat the intention of the framers of the Affiliated Colleges Act which was 'the erection of a college equally available for all Presbyterians whatsoever, without distinction of any kind'. Besides acknowledging that Lang's grievance was justified, the appointed committee reported, on 30 September 1858, that the government itself had been responsible for ignoring the purpose of the Affiliated Colleges Act. On 18 January 1855 it had given a grant of land to the senate of the university as sites for colleges to belong to the four state-aided denominations. The committee hoped that this mistake would be rectified and recommended no government action for a Presbyterian college 'until steps have been taken *de novo* by the parties concerned'.³³ Within three months an open letter to all Presbyterians was printed in the *Herald*. The advantages of the proposed college would be 'accessible to all, Presbyterians and others, who may choose to avail themselves of them' and the Synod of Australia 'waived all exclusive right to the grant of land'.³⁴

On the very day that the committee's report was presented to

³¹ *Ibid.*, 20 April 1858, report of the meeting held on 12 April.

³² *Ibid.*, 12 June 1858, report of meeting held 8 June.

³³ *VPLA*, 1858, II, p. 468, report of the committee.

³⁴ 22 December 1858, 'John M'Gibbon'.

the assembly, Lang petitioned for an inquiry into the proceedings of the Synod of Australia with reference to himself in 1842. The Synod, Lang charged, was carrying a suit through the Supreme Court in order to gain possession of Scots Church and he appealed to the government for justice in a matter of property valued between £10,000 and £12,000. A delicate issue. As the Synod pointed out in a counter petition, the ecclesiastical courts had the power to deprive members of rights and privileges belonging to their membership for offences committed against the Synod's laws. Therefore, any interference on the part of the government 'would be unconstitutional and oppressive, as a direct encroachment upon the inherent rights and liberties of the said Synod'.³⁵ And Fullerton cannily warned that, if Lang's petition were heard, then Anglicans, Wesleyans, and Catholics would likewise appeal in similar cases. Undaunted, Lang continued to present petitions from his adherents in 1859. In the debate after he had moved for an inquiry, Lang upheld the rights of the government to intervene because

The parties who had sinned in this case were stipendiaries of the State, and the House had a right to inquire whether they were doing their duty or perpetuating enormous wrongs upon each other and unoffending members of the community.

The grievances, he claimed, had arisen from the Presbyterian Church Temporalities Act 'which bound them hand and foot to the State'. He was forced, however, to withdraw the motion. Both Forster and Plunkett maintained it was not a government question, especially since they were 'on the eve of the separation of Church and State'.³⁶

The belief that state aid would soon be withdrawn was prevalent. At their synod in November 1858, the Presbyterian Church of Eastern Australia thankfully noted that the 'objectionable' system would soon come to an end.³⁷ To stimulate zeal and liberality of the people, the Wesleyans published the *Christian Advocate and Wesleyan Record* and established a Church Sustentation and Extension Society. At the 1858 District Committee's meeting

³⁵ *Ibid.*, 1858, I, p. 485, petition presented 7 October.

³⁶ *SMH*, 3 December 1859, report, LA.

³⁷ *Ibid.*, 12 November 1858, article, 'Presbyterian Church of Eastern Australia'.

three resolutions had been passed. The Wesleyans first agreed that state aid to religion inferred 'that all religions are alike, and that, consequently, they are all false', and so was injurious to religion; they then agreed that they would continue to accept state aid as long as it was given, otherwise the effect 'would be to rob evangelical religion for the additional support of that which is dead or pernicious'; lastly, they would do what they could to promote abolition of state aid.³⁸ The *Herald's* comments on these 'Jesuitical' arguments were caustic:

These gentlemen have been living in reasonable comfort on their share of the spoil; and now, when the thing is done for, they take a high moral tone and appeal against their own position, to all the principles which ought to have prevented them ever assuming it.³⁹

Congregationalists were also experiencing problems. Although the theory of their church government was '*a pure democracy*' where the majority ruled it was not practised in New South Wales because, some said, there had been 'for many years past . . . a mere Venetian oligarchy, in which a few purse-proud patricians are everything'. John Fairfax, David Jones, and Ambrose Foss were the alleged 'Congregationalist Triumvirs' because they had wealth at their command and these men were seen as an equivalent to a government granting funds to churches.⁴⁰ Contributions towards the church, however, fell during 1858 and the ministers encouraged the people to greater efforts. But it seemed that the democratic spirit was a jealous master and the Congregationalists realised, as did other denominations, that those who controlled church finances also dominated church activity: a continuous decrease in contributions from the majority of laity would serve to place more power in the hands of the wealthy few.

Meanwhile, the Catholic Church was by no means at peace within herself. Polding had arrived home from his third voyage to Europe in January 1856. Referring as he did to past divisions and future plans which conceded nothing to the democratic spirit within his flock, his uncompromising reply to Plunkett's welcoming address was hardly calculated to inspire loyalty.

³⁸ *Ibid.*, 22 November 1858, report, 'Proceedings of the Annual District Meeting'.

³⁹ 24 December 1858, ed.

⁴⁰ *Empire*, 2 March 1858, review of pamphlet by S. D. Gordon.

He hoped that henceforth dissension should be banished from among the clergy, and that the wicked intentions and machinations of designing people would be effectually overcome. He hoped that in the future there would be no intermeddling with the affairs of the Church; that the Archbishop would attend to his duty, the Vicar-General to his, and the clergy and people each to their respective vocations.⁴¹

Polding's long absences from his diocese—between November 1840 and January 1856 he had been absent on three occasions for a total of six years and two months—had contributed to the weakening of his influence among his flock. Administration of church affairs had been entrusted in 1854 to Bishop Charles Davis but Davis died on 17 May 1854 and, confronted by an unexpected emergency, the clergy had elected Rev. John McEncroe as their spiritual superior. With his vision of a new Ireland in Australia and the popular backing of the clergy, McEncroe enjoyed uncontested leadership of the Catholics for over eighteen months and this period corroded still further Polding's own plans for the future. To such an extent had radical Irishism pervaded the *Freeman's Journal* that Polding, less than four months after his return to Australia, felt called upon to repudiate all responsibility for the paper in an advertisement in the *Empire* on 22 April 1856. Bristling at the rebuke, the *Freeman's Journal* wondered how anyone could imagine that Polding was associated with the paper after he had attacked it in his Lenten Pastoral for exciting racial dislike. 'It seems', commented the editor bitterly, 'that our out-and-out Irish qualities—aroused the delicate English susceptibilities of his Grace, and the Vicar-General'.⁴²

Polding's return possibly enticed Duncan into assuming again the self-imposed task of leading the Catholics from the ghetto which many seemed to see as desirable. He was outspoken in his

⁴¹ *FJ*, 2 February 1856, article on Polding.

⁴² The editor's reprint of a relevant paragraph highlighted Polding's attitude towards the colony: 'Before everything else we are Catholics; and next, by a name swallowing up all distinctions of origin, we are Australians; from whatsoever land we or our parents have arrived hither, be it from Ireland, from France, from England, from Scotland, from Germany, we are no longer Irishmen, and Frenchmen and Englishmen and Scotchmen, but Australians; and the man who seeks by word or writing to perpetuate invidious distinctions is an enemy to our peace and prosperity'. *FJ*, 26 April 1856, ed. Polding's attitude could not have been appreciated by many of his Irish clergy and laity.

condemnation of what he claimed were their faults.⁴³ He wrote against an unfounded self-praise that ignored earlier 'underground plots against high authority, leading almost to the resignation of an Archiepiscopal see'. He deplored their insignificance within the political system due to the fact that they were 'the most ignorant portion of the community'. He censured an Irish love for their homeland that both prevented them from identifying with their new country and aroused antagonism.⁴⁴ Agitating for a less autocratic leadership, Duncan said there was clear need for church reorganisation. Although the church canons required periodical provincial councils for the enactment of laws to bind clergy and laity and for the consideration of appeals from those suffering from grievances, there were none held regularly in New South Wales.⁴⁵ The editor of the *Freeman's Journal*, J. K. Heydon, insisted that they had leant too heavily on their clergy: 'Let us remember that we no longer are living in penal times, but that we are free men and living in a free country'.⁴⁶

Concerned with the future of Catholicism in the colony, Duncan denounced the inefficiency of primary schools, the absence of all religious orders save the Benedictines, and the existing state of finance as 'a mass of evil', and insisted that 'the laity have *much* to do with the external government of the Church, especially in financial matters'.⁴⁷ 'Polycarp' put Duncan's thoughts bluntly: 'to *lay* organization we must look now to the last resource for infusing new life and vigor into our Institutions'.⁴⁸ Also claiming that 'the laity, in contradistinction with the clergy, have rights as well as duties to maintain and uphold', the more moderate 'Fidelior' admitted that there was 'a certain limit and boundary to their interference'.⁴⁹ Others echoed the cries. At length, McEncroe, possibly under Polding's instructions, urged the laity to meet for

⁴³ Duncan's concern that all should have an opportunity to enjoy sound education was a major factor in his attempt to reorganise Catholic affairs in the colony.

⁴⁴ *FJ*, 16 May 1857, letter, 'Icolmkill', pseudonym of Duncan. 'Columban', pseudonym of McEncroe, urged 'gentle means' to encourage the Irish to forget early prejudices against the English', *ibid.*, 23 May 1857.

⁴⁵ *Ibid.*, 20 June 1857, letter, 'Icolmkill'. A further letter in July strongly implied that Polding was acting too autocratically.

⁴⁶ 30 January 1858, ed.

⁴⁷ *FJ*, 14 April 1858, letter, 'Isidore'.

⁴⁸ *Ibid.*, 21 April 1858, letter.

⁴⁹ *Ibid.*, 28 April 1858, letter.

discussion and 'then submit some matured plan of operation' to the archbishop.⁵⁰ Ostentatiously praising McEncroe for acknowledging that the laity could render valuable service to the church, Duncan repeated the Anglican demands for a synod in which the laity could be represented. He contended that 'when persons supply funds for Church purposes they have a right to know and be satisfied with the manner in which these funds are applied'.⁵¹

The Catholic laity who read the exhortations to action were already living in an atmosphere of unusual excitement. At the end of July in 1857 Polding had issued a stirring Pastoral to encourage his flock to contribute towards the building of a Catholic college affiliated to the university. Enthusiastic meetings were held to canvass subscribers and St John's College Bill was able to be introduced in the legislature within the month. As subscribers could elect the foundation fellows, the *Freeman's Journal* urged those concerned to take full and independent advantage of their privilege.⁵² An attempt from St Mary's to persuade subscribers to vote for 'official clerical candidates merely added fuel to the flames already kindling in the *Freeman's Journal*. 'Polycarp', writing that the clerical nomination should be ignored and that laity should be represented among the fellows, saw the issue in a wider context: 'we shall *this very night* achieve the first instalment of our substantial rights, as Catholic laymen, in New South Wales'.⁵³ Grieving that 'Confidence has been disturbed where it ought to have rested, namely in your Archbishop and Clergy', Polding admitted his desire to influence the election but, 'is it not the dictate of common sense, that your best advisers in such a business are your Archbishop and Clergy?'.⁵⁴

Polding could not have been too dissatisfied with the fellows elected, six clergy and twelve laymen, but his desire to intimidate the laity had aggravated their grievances. 'Polycarp' spoke of people gathering together in the streets and in their homes to discuss legitimate complaints against the church government but 'The authorities [however] see not, hear not, feel not'.⁵⁵ Con-

⁵⁰ *Ibid.*, 21 April 1858, letter, 'An Old Colonist', McEncroe's pseudonym.

⁵¹ *Ibid.*, 12 May 1858, letter, 'Isidore'.

⁵² 30 January 1858, ed.

⁵³ *Ibid.*, 16 June 1858, letter.

⁵⁴ *Ibid.*, Pastoral.

⁵⁵ *Ibid.*, 12 May 1858, letter.

sciousness of inferiority to their Anglican brethren spurred on the desire to gain provincial and diocesan synods 'so that both clergy and laity may be governed by law, and not by the individual dicta of any man'. No less potent was a spur identical to that of the Anglicans: 'Our present system of ecclesiastical finance is utterly detestable. No doubt the Councils [proposed synods] would turn their attention to reform some of the present abuses'.⁵⁶

Growing bolder, the *Freeman's Journal* published direct attacks on Polding. 'Catholicus', acknowledging publicly the split between Irish laity and English spiritual leaders as well as the division within the clergy, announced that

the Archdeacon [McEncroe] is the man whom, of all others, we Irish Catholics look to for support in our struggle for emancipation from the baneful influence exercised over our *poor, patient*, but *highly gifted few* secular pastors in this colony, by the Order of Saint Benedict.⁵⁷

And 'Catholicism' took up the familiar chant of Benedictine persecution of the laity:

This system of crushing the voice of the lay Catholics of the colony, has to my own knowledge, been a favourite hobby with the gentlemen at St. Mary's Priory, during my time in the colony.

That this 'hobby' had continued was due to a single cause:

if State aid had never been granted to our clergy, none of the unseemly acerbities, at present existing between the heads of the Catholic Church in this colony and the laity, would be witnessed . . . the clergy, being independent of the laity, rule with a high hand, whereas, if the interest of the former were made dependent upon the efficient discharge of their duties to the latter, (as in the case in that pure old Catholic country, Ireland, and in the progressively increasing Catholic continent of America), Catholic education and progress, like the inviolability of Catholic principles, would fructify and take deep root, in this sunny clime of the South . . . I say, then, as an introductory step that will lead to important results in the government of our Church in these colonies, let the Catholic intelligence of New South Wales combine with the view of doing away with all State support to religion.⁵⁸

⁵⁶ *Ibid.*, 19 May 1858, letter, 'Isidore'. Catholics also winced at the charge that they could not flourish without this compulsory support: 'What! the Catholic Church suffer by the withdrawal of state aid! *No fear!* . . . it may happen to be the greatest benefit that could befall'. *Ibid.*, 29 December 1858, ed.

⁵⁷ *Ibid.*, letter.

⁵⁸ *Ibid.*, 2 June 1858, letter.

On 20 June 1858, in St Mary's Cathedral, Polding delivered the *Monitum Pastorale* to his clergy, exhorting them to promote peace and fiercely inveighing against the laity, 'these roaring lions', who were criticising the leaders of the church in the public press.⁵⁹ After his admonition, Polding held out an olive branch and invited the Catholics to make known, through Therry, their desires. That Therry, the oldest 'colonial hand' among the clergy and an Irishman, was chosen as intermediary by Polding fully indicated his realisation of the seriousness of 'the agitation . . . which has disturbed the Catholic mind for some time past'.⁶⁰ In July the *Freeman's Journal* took the opportunity to expound upon financial scandals among the clergy and then published the laity's address to Polding before it was even presented to him. Drawn up by E. Butler, J. Heydon, J. Hart, R. O'Connor, W. Davis, Plunkett, and R. Macdonnell, although the last two did not sign it, the address invited Polding to head an organisation of the faithful 'to enable them to assist you, by their advice and their funds', in matters that had, according to some of the laity and clergy, been mismanaged. On behalf of Polding, Dean D. M. O'Connell answered the address, reproving the men concerned for touching upon subjects 'which do not come within the province of the laity'.⁶¹ Because neither a public meeting on the issue had been summoned nor signatures from the laity collected—at the request of 'friends of authority'—the deputation to Polding, complained the *Freeman's Journal*, 'were treated contemptuously, and as if they represented not the great body of the Catholic laity'.

On learning that Polding had named a day for a clerical conference the *Freeman's Journal* urgently called on the secular clergy to speak out to secure the rights of Catholics.⁶² Rumour had spread that 'his Grace declares he will rather cut off his right arm than make a single concession to our requests', that the clerical conference therefore 'must have for its object only an organization of the clergy for the discomfort of the laity'. The all too familiar threat was in play: 'If this should be so, then we

⁵⁹ Pastoral was printed in *SMH*, 2 July 1858.

⁶⁰ *FJ*, 3 July 1858, article, 'Catholic Affairs'.

⁶¹ *Ibid.*, 11 August 1858, letter.

⁶² 14 August 1858, ed. The editor was sure that the clergy 'will now seek to end the cause of our disasters, by wholly and entirely blotting out every possibility of the perpetuation of the great curse of this Church—the Benedictine monopoly'. *Ibid.*, 1 September 1858.

must bring into action the power of the purse, which is, beyond all question, upon our side'.⁶³ To the angry frustration of the laity, the proceedings and outcome of the conference were not made public. The *Freeman's Journal* smugly believed that 'all, or nearly all, of those measures which the laity lately solicited at the Archbishop's hands' had been supported by the clergy and shrewdly nagged Polding for giving no official tidings.⁶⁴ Claiming inside information, 'Resurgo' declared that, at the conference,

each [of the clergy] was *put to the question*, that the answers were bagged, that the unsuspecting sacerdotals were themselves *sacked* immediately after; and that the unleavened mass—the laity—is to be quickened into its ordinary servile function of *subscription*, whilst the Bag is to be forwarded to Rome to perform its right Benedictine function of proscription.⁶⁵

For 'Resurgo' the political future of the colony was at stake:

We must not yield a single shaving from the platform of equal rights on which we stand with our fellow-colonists, and, discarding all considerations of difference in political opinions, we must show, at the polling booths and elsewhere, our full determination to preserve Australia from the full curse of religious ascendancy.⁶⁶

And Duncan, under the pseudonym of 'Peter Pilgrim', insisted that the Catholic Church would be the better for the abolition of state aid which would soon come because 'a Parliament elected by manhood suffrage is not likely to exist long without meddling with the Church schedule'. Duncan advised Catholics already divided on the question to prepare for the withdrawal of state aid.⁶⁷ The *Freeman's Journal* also saw the solution of many problems with abolition. The editor hoped that then the clergy's love of money would be lessened and they would attend to the wants of the poor rather than visit the wealthy: it would be difficult to find a Catholic clergyman 'who must not confess that the donations of one sort or other which he annually receives more than equal the subsidy granted by Government'.⁶⁸

⁶³ *FJ*, 14 August 1858, letter, 'Resurgo'.

⁶⁴ 11 September 1858, ed.; 15, 29 September 1858, ed.

⁶⁵ *FJ*, 8 September 1858, letter.

⁶⁶ *Ibid.*, 11 September 1858, letter.

⁶⁷ *Ibid.*, 27 October 1858, article, 'The Prosings of Peter Pilgrim'.

⁶⁸ *Ibid.*, 23 March 1859, ed. The Catholic clergy, in the editor's belief, were 'in every point of view, the best able to dispense with its [state aid] continuance'.

It was the unfortunate Gregory, Polding's vicar-general, who provided the pretext whereby Polding and discontented laity came into direct conflict. On Plunkett's resignation from the board of management of the Catholic Orphanage at Parramatta, Gregory asked a Protestant surgeon to replace him. A public meeting of protest was held on 26 February 1859. Polding himself did not escape censure. Resolutions of the meeting centred on the admission of the Catholic laity that, having no confidence in the ecclesiastical administration of their diocese, they wished for changes and called on the colonial government to assist them in this task of change. Deniehy's speech climaxed the meeting. He spoke of the 'aristocratic clique' ruling the Catholic Church and, to the accompaniment of loud cheers, expounded on

the right cure for all evils complained of. If they had had the power of the purse in their hands, these mischiefs would not have happened. (cheers) If by means of state aid, certain parties had not been able, independent of all opinion and feeling on the part of the Catholic body, to play what tricks before high Heaven they pleased, the scandal of this latest proceedings would never have come to pass . . . (loud cheers). Would they not agree with him that one of the first great means of settling Catholic difficulties was the abolition with all speed of state aid to religion? (Great cheers and acclamations of 'Yes', 'Yes').⁶⁹

On 2 March, the day that the *Freeman's Journal* wondered why Polding had not yet dismissed Gregory from the office of vicar-general, its editor and the prominent laymen at the public meeting were threatened with excommunication unless they immediately renounced the proceedings. All, except Deniehy, submitted, but, at the same time, they appealed to Rome. Although the *Freeman's Journal* translated Rome's rather ambiguous reply as a decision favouring the appeal,⁷⁰ the high tide of active Catholic resentment had passed.

Shocked by 'the glaring infringement upon the civil and religious liberty of this city, which the Archbishop's threat of excommunication involves', the *Church Sentinel* hotly defended the 'freedom of discussion in a free British Society' that was defied 'by persons unknown to the law—by machinery inconsistent

⁶⁹ *Ibid.*, 2 March 1859, report of meeting.

⁷⁰ 24 September 1859, text of appeal and Rome's reply.

with the spirit of the age in which we live'. Nevertheless, at the coming elections the laity could set matters at right:

If Archbishop Polding and Abbot Gregory were not backed up by a State-endowment, would they have ventured to threaten with 'excommunication' the highly respectable citizens who question the management of the temporal affairs of the Romish Church? We think not.⁷¹

Abolition of state aid was, indeed, the malcontents' popular cure. Both Anglican and Catholic prelates were trying to establish ecclesiastical despotism, grumbled 'A Catholic', and, with the exaggeration of one with a rankling grievance, claimed that 'Already a "Secret Agency" corresponding to the "BLOODY INQUISITION" exists in this city and has its ramification throughout the colonies'. State aid would have to be withdrawn and this was the cry of 'Every friend of progress . . . every friend of civil and religious liberty and social advancement'.⁷²

Polding's *via dolorosa* of 1859 was not yet finished. In November of 1858, McEncroe, who had, according to Moran, represented the opinion of the majority present at the recent clerical conference, left for Rome.⁷³ The fellows of St John's College had commissioned him to secure a suitable president for the college and Polding had asked him to procure more clergy for the diocese. In April 1859, 'One who knows and loves him well' had a story to tell admirably suited to the prevalent mood of some prominent Catholics. For three months after McEncroe had first sought permission to leave Sydney he had had to wait on Polding's approval and, 'Just now comes to light that during the three months, letters had been sent to Rome to get everything fixed before his arrival'. The writer thought that the Catholics should deny money to those who were 'crushing' McEncroe and 'degrading' the laity.⁷⁴ A letter from McEncroe himself did not contradict the accusations.⁷⁵ There was another example of what was termed Polding's absolutism. The last remaining foundation member of the Sisters of Charity, Sister de Lacy, announced her de-

⁷¹ 11 March 1859, article, 'The Roman Catholic Movement' and its sequel considered in their secular aspect.

⁷² *Cb P*, 11 June 1859, letter.

⁷³ McEncroe had urged the formation of new dioceses and the appointment of Irish bishops. Moran, p. 142.

⁷⁴ *FJ*, 23 April 1859, letter.

⁷⁵ *Ibid.*, 18 May 1859, editor comments on McEncroe's letter.

parture from New South Wales and the *Freeman's Journal* feared that the cause 'of her departure, is the terrible absolutism that governs our ecclesiastical affairs'.⁷⁶ At a public meeting Plunkett let it be known that Sister de Lacy had suffered discriminations arising from the discovery that, during the period of her management, Protestant bibles were permitted for the use of Protestant patients at St Vincent's Hospital.⁷⁷

To the end of the year, Polding, reading the *Freeman's Journal*, was aware that the feelings of the past two years were still beneath the surface. He must have been aware as well that many Catholics continued to cling tenaciously to their belief that state aid was a potent factor militating against a healthy development of their church. This, then, was the Catholic situation immediately preceding the second elections under manhood suffrage, the successful candidates of which finally determined the issue of state aid to religion. It is reasonable to conclude that those Catholics who were incensed at what they judged faulty administration of their church took the opportunity in 1860 of voting for candidates promising removal of a major bulwark to that administration—state aid to religion.

⁷⁶ 1 June 1859, ed.

⁷⁷ *Ibid.*, report of meeting.

IO

Difficulties of Legislation

Had the basic grant of £28,000 for public worship remained unaltered it might have continued as part of a traditional government expenditure for an indefinite period. The colonial government, however, in granting the stipendiary increase in 1854, publicly acknowledged its intention to support certain denominations, the Church of England, the Catholic Church and one section only of both Presbyterian and Wesleyan Churches. It was a deliberate affirmation of a discrimination which was a far cry from 1836 when the government had formally extended religious equality towards all denominations by offering a far more adequate aid than that of 1854 to all who wished to accept it.¹ No government could long survive with such a discriminating policy in a period flaunting an emphasis on justice and equality, the political culmination of which was the extension of suffrage to all men. Robertson's land acts in this period were also the government's reaction to the spirit of freedom; every man was given, at least in theory, the opportunity of owning land.

The supplement for 1858 had been passed by four votes after Cowper's vague promise of a measure in the next session to put 'the expenditure on a footing which he believed would be much more satisfactory to the country'.² By the end of 1858 the background to the issue of state aid had altered. Anglican, Catholic, and Presbyterian denominations were all undergoing internal crises in which state aid was a significant and active factor while the fourth state-aided church, the Wesleyan, had publicly announced its disapproval of government grants to public worship.

¹ Even with the 1854 supplementary grant of £50, the £200 stipend was worth less than it had been in 1836.

² *SMH*, 11 December 1857, report, LA.

And, in the immediate future, loomed the first elections based on manhood suffrage. When Cowper, as colonial secretary, moved for the supplement to public worship on 14 December 1858, it was not surprising that Piddington counteracted by an amendment reducing the item to one shilling. Protests that the thinness of the house alone should prevent a hasty, adverse decision did not delay the carrying of the amendment by one vote against the ministry. With this assurance from the committee for supply Cowper ignored Plunkett's recommendation for the recommittal of the vote.³ On the following day he moved for the assembly's adoption of the resolutions despite Plunkett urging a reconsideration at least of the stipend to the Jews which was included in the supplementary grant. The ministry then voted against the supplement to public worship that they had themselves originally introduced. 'There was this great objection,' Cowper commented, 'it perpetuated the system they were now in, and which was so mischievous they were anxious to get rid of it'.⁴

Only to the superficial observer was Cowper's behaviour inconsistent. On the issue of state aid to the churches his opinion had not varied through the years. Believing that the Church of England should be the acknowledged and therefore the only state-financed church of the colony, Cowper had never been an admirer of the Church Act. After realising, in 1851, that there was no possibility of New South Wales ever tolerating a state church, he made no attempt to conceal his preference for the voluntary system and had opposed the supplement to clerical stipends in 1854. In moving for the 1859 supplement Cowper had acted merely as the head of the government. Once aware that a considerable number of members were willing to abolish the supplementary grant, Cowper immediately seized the opportunity to attack the state aid system. He revealed not inconsistency but caution. Cowper was one to grasp the leadership of a cause only after that cause had won a certain following.

Undeterred by Lang calling a public meeting to approve the Legislative Assembly's resolution to withdraw the supplement, Martin moved, on 4 January 1859, for a rescission of that resolution.⁵ According to some, Martin's motion was in its purpose only

³ *Ibid.*, 15 December 1858, report, L.A.

⁴ *Ibid.*, 16 December 1858, report, L.A.

⁵ For these debates on the supplement see *SMH*, January 1859.

a deliberate attempt to embarrass the ministry. As it was just prior to the elections, Martin added the comment that 'the opportunity was a good one to compel him [Cowper] and his supporters to choose their side and go to the country on an issue which would be well understood (cheers)'. Although he declined to state formally his views on state aid to religion, Plunkett nevertheless conveyed an impression that it was only the abruptness of the supplement's withdrawal to which he objected. As the Act's drafter and with his prestige from long years of public service, Plunkett would not have been without influence when he indicated that the time for the Church Act had passed. Piddington then gave a telling outline of the legislature's reluctance to supplement the original state aid grant: Douglass's first suggestion for the supplement in 1852 had been negatived 18 votes to 12; in 1853 the same suggestion had been lost, 16 votes to 13; in 1854 Holden, a government nominee, had moved for a committee to examine the issue and the committee's report which advised a supplement to the clerical stipends was adopted, 18 votes to 11—but, Piddington dryly observed, all those who opposed the report had been representatives of the people and of those who voted for it fourteen men were government nominees; in 1855 the house was twice counted out before Douglass's motion for the £6,000 supplement was adopted. Both Martin's resolutions and Plunkett's motion that the Jewish stipend be considered separately from the supplementary grant were carried only by the casting vote of the speaker. Cowper, determined now that the supplement should not be given, successfully moved, by the speaker's casting vote again, that the committee of supply should reconsider the resolutions the following day.

The Legislative Council kept an anxious eye on the proceedings in the assembly. On 5 January returns giving details of the distribution from both the schedule of £28,000 and the supplement were requested. It was feared that the recent proceedings in the assembly might lead to an appropriation bill in which no provision would be found for paying the clergy and the council would be called on to decide if it could assent to such a bill.⁶ On the same day in the Legislative Assembly, Cowper proposed that the supplementary grant be withdrawn. It had been brought for-

⁶ *Ibid.*, 6 January 1859, report, LC.

ward originally only because he had felt that it should continue until the house determined its attitude to state aid in general 'but after a contest which appeared likely to be but one of a series' he felt it best to withdraw the estimate with the exception of the stipend for the Jewish minister. Despite angry protests the ministry refused to place the supplementary grant to the churches on the estimate. On 6 January, Piddington moved that the resolutions adopted by the house on 4 January, on motion of Martin, be rescinded. This was carried by 22 votes to 17. The debates had indicated that the issue was not being considered solely on its own merits. Martin's grievance at having been dropped by Cowper may well have been the major factor prompting him in his move to thwart Cowper's decision to drop the supplement.⁷ S. A. Donaldson, another prominent opponent throughout the debates persistently belittling the ministry's capabilities as a stable unit, had already been colonial secretary in the first ministry and colonial treasurer in the third—it would have been to his advantage to oust Cowper.

One repercussion from the lengthy debate on 5 January was seen a week later. In the Legislative Assembly Deniehy, followed by two others—all Catholics—revealed that Vicar-General Gregory had written asking, if the statement that some Catholic clergy favoured abolition of state aid were true, for names of those clergy. To the house Deniehy denied having made such a statement although he had said Catholics did not assume that the withdrawal of the supplement was an act specifically against them as a denomination. Gregory had already sent circulars to Catholic clergy inquiring if they had made the alleged statement: it was perfectly evident that he favoured state aid and 'that any clergyman who might be subject to him would not be allowed to express their opinions upon the subject'.⁸ There had been comments on the issue from the public. Voller believed that the supplement debates brought abolition of state aid much closer and he summarily dismissed pleas of clerical poverty. One clergyman (the Anglican bishop), he remarked, taking the extreme case, received £300 from the supplement as well as £1,500 from the

⁷ Voller also suggested that Martin was hoping to gain Catholic votes by his action. See his letter, *SMH*, 7 January 1859.

⁸ *Ibid.*, 13 January 1859, report, *LA*.

schedule. He had heard such things about the distribution of state stipends that he would not care to repeat them 'but they are such as to make me believe that, if the ploughshare were only struck into the soil where this money has been strewed, many a nest of snakes would be turned up'.⁹ Such vague accusations of misappropriation of state funds would appeal to many. On the other hand, the suddenness of the withdrawal caused disquiet. Not unwilling to oppose the supplement's withdrawal, the *Herald* nevertheless regretted that no notice had been given and hoped that temporary aid would be offered to needy clergy. The editor also noted the varying attitudes towards state aid on the part of those favouring its continuance, a weakness, he felt, that would contribute to its total withdrawal.¹⁰

Foreseeing the adoption of the voluntary system, the *Freeman's Journal* was inclined to blame the heads of the various denominations for the loss of the supplement to the clergy.

They, in whose hands the distribution of the grant has been confided, have to all appearances retained the salaried clergymen in places that could well support them without the state; while far-off districts have been left without clergymen simply in consequence of the salaries being swallowed up in our large and populous towns.¹¹

The mode of distribution of state aid on the part of ecclesiastical heads was a major cause of a growing determination to abolish the system. As the *Freeman's Journal* pointed out, the priest at one Catholic church in Sydney received Christmas dues to the value of £147 as well as rents from seats and honoraria for masses. The people had also given this priest a house and horse; and he received a full government stipend while a priest at Port Macquarie with no government stipend was barely able to survive on what his people could afford to give him.¹²

The accusation of misappropriation of state funds was popular. 'A Parishioner' from Bishopthorpe told of a begging letter from church trustees '(but of what, or for whom,—it is not stated, nor do I know—)', stating that, as the Treasury had stopped the supplementary grant, £300 had to be raised for the minister. But

⁹ *Ibid.*, 7 January 1859, letter.

¹⁰ 8 January 1859.

¹¹ 8 January 1859, article on state aid.

¹² 19 January 1859, ed.

'A Parishioner' was not giving 'a single farthing'. If, he wrote, the laity refused subscriptions something might be done about the 'arbitrary and irresponsible system of Church government, more especially with reference to financial matters'; at present the money was given to 'an enormous "*sham*"', the Church Society, which was completely under the bishop's control and from which the stipend for the minister at Bishopthorpe had always been paid.¹³

Provoking as it did long debates and radically dividing politicians, the state aid issue became a commonplace but never dull topic in the assembly, a useful weapon to drive the ministry into a corner and to rally opposition to its policy. On 14 January 1859, Donaldson moved for an address to the governor-general, requesting a grant of £14,000 for public worship on condition that an equal sum was contributed by private subscription. Cowper eased out of an awkward position with an assurance that the ministry were already considering compensation of six months' salary for those clergy whose circumstances required it. As Plunkett acidly commented, 'a tardy promise', but it helped to defeat Donaldson's motion by six votes.¹⁴ Piddington returned to an attack on the ministry on 18 January. He took up the cudgels for the Jews and demanded that their £200 religious grant should come from the schedule thus admitting them to the rights of their fellow colonists. He also moved that appropriations for public worship should be allotted to all denominations according to the number of their adherents as given in the census.¹⁵ Twice was the house counted out before Piddington could get a response. Even Plunkett thought the motion inexpedient and so did Cowper because 'it was intended next year to withdraw this schedule altogether'. The motion was lost.¹⁶

Forster, on 15 February 1859, moved that all clergy, regardless of rank, should receive equal stipends because 'the Executive Government in this colony can take no cognizance of ecclesiastical ranks or dignities'. With only three months lapse since the assembly had hotly reaffirmed religious equality and had sharply divided on whether the government should continue to recognise

¹³ *Ch S*, 14 January 1859, letter.

¹⁴ *SMH*, 15 January 1859, report, LA.

¹⁵ *Ibid.*, 19 January 1859, report, LA.

¹⁶ *Ibid.*, 28 January 1859, report, LA.

ecclesiastical ranks, it was another embarrassing motion for Cowper to handle, especially as his brother had just received a stipendiary increase as dean. Intent on complete abolition of state aid as he was, Forster's purpose could only have been to keep the issue in prominence by emphasising its injustices and either to force Cowper into immediate action or, by revealing his lack of initiative, to prove he was an unsuitable colonial secretary.¹⁷ Before the vote was taken Forster reluctantly admitted that the Queen had power to grant titles but he retained that part of the resolution denying ecclesiastical dignitaries the right to higher stipends. Despite the alteration the motion failed.¹⁸ Because it believed that state aid was unjustly manipulated by Barker, the *Church Sentinel* did not fail to take the opportunity in February of reiterating old grievances of ecclesiastical despotic control over church funds and applauded Forster's motion. It affirmed the right of every minister to receive equal stipends and had its sneer at 'the little job of the Deanery'.

After studying the supplementary estimate for 1859, Forster called for full details on incomes of those clergy whom the ministry proposed should be compensated for the withdrawal of the supplementary stipends whether they received stipends from schedule C or not. He would decline, he added, granting compensation to a corporate body but not to individuals; he would also decline granting compensation to those receiving stipends over £200. Cowper announced the government's intention to grant six months allowance to those ministers who had received the extra stipend and, 'to those who had lost their incomes altogether, it was proposed "to continue them over this year"'. Forster's motion was then carried.¹⁹ Although Cowper thus provided stipends for the clergy on the gold-fields for one year the future for them was bleak. By October 1859 the official Anglican newspaper, the *Church of England Chronicle*, was reminding its readers that Cowper's compensation to these clergy would cease within three months. It was, however, mid-January 1860 before the Anglicans called a public meeting to raise funds for their support: the aim

¹⁷ Forster was totally against Cowper: 'I say frankly', he wrote to Parkes, 5 May 1859, 'if responsible govt., is to mean, Govt., by Cowper and his lot, I have done with public life'. Parkes Correspondence, F to G, p. 20.

¹⁸ *SMH*, 16 February 1859, report, LA.

¹⁹ *Ibid.*, 23 February 1859, report, LA.

was £600 a year for the maintenance of three clergy.²⁰ The *Empire* hoped that other denominations would follow the Anglicans' good example but could not resist a gleeful gibe:

So . . . the good Bishop, with all his distaste for 'Voluntaryism' is setting in motion a train that will probably furnish before long another instance of the happy and healthful working of the Voluntary principle.

By May, however, the *Church of England Chronicle* had to admit that 'as yet [there was] no sufficient response' to the appeal—the voluntary system was not as successful for the Anglican church as the *Empire* had hoped.

Interest in state aid led the *Church Sentinel* on 25 March 1859 to examine the fundamental purpose of the Church Act. Acknowledging the original necessity for it, the editor called the Act 'a matter of expediency' for which present conditions had no necessity and believed the time had come to ask

whether the religious equality which it sought to establish among all sects and denominations, by means of a common money-endowment, now however held and enjoyed under a new and different title,—is not sufficiently established to all intents and purposes, without the necessity of the common money-endowment,—however significant it might have been, at that particular time, of common and equal rights?

Church Sentinel refuted what it termed the favourite argument for state aid, the religious needs of the interior. State aid was used, trumpeted the editorial, to build up

overweening prelacy . . . to endow pet benefices for pet parsons in fashionable and would-be aristocratic localities [a reference to Dean Cowper]—to raise up a priestly influence in our most populous districts and by the agency of this influence to establish and perpetuate hierarchical pretensions. It is spent to foster sectarianism.

To prove his point, the editor printed a table showing the various places where state aid was expended for 1857-8 and analysed in detail the returns requested by Forster the previous February. Out of the total of £43,257.9s.8d., £10,384.18s.6d. was spent in Sydney and Sydney hamlets; ten towns with population varying from 5,000 to 15,000, received £9,296.19s.1d.; twenty-four towns with population varying from 300 to 800 received £12,842.6s.1d.

²⁰ *Empire*, 18 January 1860, report of meeting.

These areas had a combined population of 103,925, not quite a third of the colony's population, and received £32,524 'or more than three-fourths of the whole amount of the State Aid'. The remaining population of 200,000 received £10,733.6s. In a biting summary, the editor concluded:

It has been said that the money is spent in towns solely because they were already in possession of the funds [before the interior was settled], and the State Aid has not expanded with our increased population,

but the returns proved that, in the last two years, funds had become available through the death of old colonial chaplains. These were given, not to the interior, but to a sinecure deanery and to salaries for incumbents of St Paul's, Redfern, St John's, Darlinghurst, and St Michael's, Surry Hills.²¹

In March 1859 the *Church of England Chronicle* revealed the Anglican concern over finance, especially in the interior. The Church Society was not functioning as well as had been hoped: older parishes with 'a natural and uncharitable selfishness' resented their money being spent in outlying areas. While a few regretted 'a spirit of localism' within the church,²² the majority seemed firmly antagonistic even towards a proposal to redistribute government grants. If they gave the people in the interior ministers, remarked one self-appointed spokesman, 'I know not why we should refuse them doctors, lawyers, bankers, or any other who makes it his business to serve the public'.²³ It was already difficult to raise the necessary £100 in the interior to claim an equivalent sum from the government for itinerating clergy in accordance with the Church Act. Against strong opposition the Anglicans resorted to Offertory collections to liquidate outstanding debts on buildings and, on Barker's advice, to provide supplements to stipends.²⁴ The Church Society had to its credit in 1859, £8,343.18s.8d., and in 1860, £8,993.0s.4d., but the small increase was more than cancelled by the report that 'the sums returned to associations under

²¹ *Cb S*, 3 June 1859, ed. £975 was thus accounted for. The editor commented that 'by the suppression of the voluntary system the clergy became totally dependent on the bishop'.

²² *Empire*, 10 January 1860, report of annual meeting of St Philip's Auxiliary to the society.

²³ *SMH*, 31 January 1859, letter, 'N.S.W.'.

²⁴ W. M. Cowper, *Episcopate of the Right Reverend Frederic Barker D.D.*, pp. 125-8. Barker's circular letter, 3 January 1860.

the two-thirds clause are larger in amount this year than they have ever been'. The society regarded the growing tendency 'with anxiety'. Dean Cowper urged a system of endowments throughout the diocese for church expenses.²⁵ Figures were often misleading. After a boast that five-sixths of the Church Society's funds were subscribed in Sydney,²⁶ the *Christian Pleader* did a little analysing in June. One of the wealthiest parishes in Sydney, that of St James, contributed £300 to the society but, when it was considered that the parish received £200 from the government for the minister, the people's real contribution was a mere £100. St Philip's parish received £600 as their share in state aid yet gave only £150 to the society. Both the parishes charged high seat rents—the *Christian Pleader* in June 1860 calculated that St James's received almost £2,000 annually from seat rents—but the appropriation of the proceeds was not explained.

Watching the progress of the Church Society were Tyrrell and Selwyn of New Zealand and their decision was to abandon the idea for their own dioceses in favour of parochial societies, an admission, rejoiced the *Church Sentinel*, of 'the Anglo-Saxon principle that taxation and expenditure shall go together'.²⁷ The *Church Sentinel* first quoted Barker's denouncement of those who would not join the Church Society as 'the worst and bitterest enemies of "the Church" and the country'. It then supported these men because, seeing the society as merely a means whereby Barker kept the church more securely under his power, it believed that, 'while the popular element is thus infusing itself everywhere', no exception should be made in church matters: state aid was incompatible with responsible government and universal suffrage. The autocratic system of the Anglican Church was the explanation for its lack of success in the colony.²⁸

Back in office as colonial secretary, Cowper, on 15 September 1859, introduced the measure he had long promised, his first bill 'to amend the Constitution Act so far as it relates to the provision for Public Worship'. The bill abolished schedule C but guarded the pay for those already receiving state aid. Martin

²⁵ *SMH*, 29 May 1860, report of annual meeting of the Church Society.

²⁶ *Ibid.*, 10 January 1860, article, 'St Philip's Auxiliary Branch of the Church Society'.

²⁷ 8 April 1859, article, 'Signs of Improvement in Church Polity'.

²⁸ *Ibid.*, 17 June 1859, ed., 'Patronage'.

gave his opinion that, notwithstanding Russell's 1855 despatch, the £28,000 schedule had been the result of a compact with the Queen and therefore could not be disturbed.²⁹ The trend of his argument was solidly against the voluntary system which, in his opinion, reduced the clergy to a humiliating dependence on the whims of the congregation. Defending the ministry's right to alter the schedule, R. Jones emphasised that the bill secured the stipends of those then receiving them. Plunkett supported Martin's interpretation and advised the assembly to petition the imperial parliament for the power to alter the schedule. Reluctant to discuss the bill on its first reading Cowper was nevertheless jockeyed into doing so. Refuting the assertion that the government could not interfere with the schedule, Cowper undercut the increasingly popular argument of state-aiders. The grants for public worship, absorbed as they were in the wealthier settled areas, did not, he explained, aid religious activities in the interior which obviously needed state aid. The government was powerless in the face of vested interests to effect changes to rectify this injustice—Cowper specifically mentioned the high salaries of Barker and Polding. The first reading of the bill was carried by 20 votes. Plunkett, however, had made the pertinent comment that, if the ministry intended to introduce a bill to alter the composition of the Legislative Council, then that bill should be introduced before changes in important matters, such as the grants for public worship, were submitted to the council.³⁰

Eight days after Cowper had introduced his bill T. A. Murray requested a committee to report on church and school lands. He wanted to know exactly to what purpose proceeds from these lands were applied. A portion of these lands, some 45,000 acres of the most valuable lands of the area, were near Braidwood and the gold-fields. Murray did not think that the Crown was competent to be trustee of these lands for the specific purposes of the maintenance of religion and education. Their annual returns, yielding

²⁹ Despatch from Russell to Denison, 20 July 1855, referred to salaries etc., mentioned in the schedules. Sections 17, 18, and 19 of Russell's despatch stated that it was not the intention of the British government to enforce the financial arrangements as final and that the maintenance of the interest provided for by these schedules was incumbent on the Crown. Martin alleged that this was only Russell's private interpretation. See *VPLA*, 1859-60, III, p. 1021.

³⁰ *SMH*, 16 September 1859, report, LA.

about £6,000 a year, could be greatly increased if they were thrown open for cultivation. With Cowper's bill to abolish state aid for public worship in the background, Murray was deliberately exploring church resources. On the same day J. B. Wilson, member for the southern gold-fields, asked for copies of petitions and correspondence dealing with church and school lands in the Braidwood districts. Although Cowper denied Lang's charge that the income from the lands supplemented existing clerical stipends, he admitted that 'It went only to those who received nothing from any other source'.³¹ The complexity of the state aid situation can be seen in a letter written by Rev. J. McGibbon, self-appointed spokesman for the Synod of Australia. Government resources were, he wrote, actually maintaining Lang. Scots Church had been partly erected by government money on a government grant of land and £3,500 of government money had been sunk in houses in Jamison Street from which Lang collected a weekly rental. So 'Dr Lang is yearly in receipt of more Government money than any of the State-paid ministers. When he jumped out of the coach he took care that there was a safe place below'.³² The *Herald* objected to the church and school lands being considered, and used, as private property of the four state-aided churches³³ while the *Southern Cross*, after briefly surveying the origin of the church and school lands, demanded that 'this absurd farce' should end: Robertson had long vowed to inquire into the matter of 'thousands of acres of fertile land' being locked up.³⁴

Cowper had promised the second reading of his abolition bill on 15 October but, on 11 October, Jones asked for a supplementary return to those requested by Murray in September with the plea that the bill should be postponed until the full returns were presented. Cowper agreed for a postponement until 26 October.³⁵ On that day the house adjourned and, with prorogation, the bill dropped as Forster succeeded Cowper as colonial secretary. Those who clamoured for abolition of state aid had not yet learnt that, to achieve their main aim, compromise had to be effected

³¹ *Ibid.*, 24 September 1859, report, LA.

³² *Ibid.*, 8 January 1859.

³³ 30 September 1859, ed.

³⁴ 5 November 1859, article, 'A Great Ecclesiastical Fact'.

³⁵ *SMH*, 12 October 1859, report, LA.

and that this compromise, to be workable, would have to be only the cessation of future grants. Cowper's abolition bill was also handicapped by the Anglican synod bill being introduced into the Legislative Council at this time. All denominations, warned the suspicious *Christian Pleader*, should be on guard 'against all sorts of insidious tricks about religious claims on the State'. The very precedence allowed to church dignitaries was 'an offence against equitable liberality, a sort of assumption that in the eye of the State the bodies having such precedence are superior. This is certainly anything but religious equality'.³⁶

In such an atmosphere of suspicion it could only be expected that Cowper's bill should seem too liberal to be acceptable. Even his education bill, introduced on 22 September and bestowing the patronage of the national system of education on the heads of churches, was indirectly giving state aid to certain creeds and the *Herald* was quick to comment on this.³⁷ The Catholic Church evinced distrust. Because the executive council would control the system, the Catholics feared Anglican dominance on the council and therefore in education. At a public meeting on the education bill cries of 'The Bishop's bill for ever' gave a basis to their fears³⁸ and the *Freeman's Journal* saw religious equality threatened by the bill.³⁹ As Plunkett remarked, Cowper 'in former times was never called anything but the member for the Church of England, so entirely one-sided was he'.⁴⁰ P. Faucett maintained that state aid to religion and education were 'both so mixed up together that one could not be settled without a due regard for the other'.⁴¹ It was not an opportune time for a bill abolishing state aid yet retaining existing stipends. Active participation in the issue, however, continued to be largely confined to politicians and prominent clergy. Both the presentation of Cowper's bill and its postponement aroused the minimum of public interest; some petitions to the legislature and two poorly attended meetings were the only reactions.

On 13 December 1859 an attempt was made to place £3,450 on

³⁶ 8 October 1859, article, 'Schedule C and its Substitutes'.

³⁷ 30 September 1859, ed.

³⁸ *SMH*, 11 October 1859, report of meeting.

³⁹ 15 October 1859, ed.

⁴⁰ *SMH*, 6 October 1859, report, LA.

⁴¹ *Ibid.*, 9 November 1859, Faucett's speech in article, 'Nomination for East Sydney'.

the supplementary estimates for 1860 to aid the clergy established on the gold-fields. The floating population which they served could not subscribe regularly to their support yet it was believed that their presence was essential 'to calm the passions, and to restrain the vices of a population more than usually exposed to the evils which beset human nature'. It was a motion, Forster retorted, 'in direct contravention of the tendency towards the abolition of State-aid which the House had already determined on'; if this were granted a precedent would be set. He promised an early settlement of the whole question. Hoping that it would come as soon as possible, Plunkett nevertheless believed aid to the clergy on the gold-fields should be given until the general question of state aid was debated. He took the opportunity to state his full support for abolition of the system

if all the churches who got it had a fair start. But by a late return, laid on the table of the House, of the property and tracts of land granted to the churches the inequality of one church was before the other churches,—what was considered the Established church—that Church, if State-aid was abolished, would have resources already got from the State that would put it on vantage ground over the others.

Plunkett considered that the return was most unsatisfactory.⁴² 'It did not state the amounts of the property or the value of the property', but he was aware they were of value. Two representatives for the south and west gold-fields quickly claimed that 'the great mass of the diggers were opposed to State-aid on conviction (Hear, Hear)'. The motion was lost by 5 votes, the majority voting against it on the principle that it was an extension of a system they wished to abolish.⁴³

Introducing the second bill to abolish state aid to religion in February 1860, Colonial Secretary Forster explained that the bill guaranteed compensation to all stipendiary clergy regardless of rank. For those clergy who had been up to nineteen years in the colony £100 would be given for every year of their service; for those who had been in the colony for twenty years or more £200 a year for the rest of their lives would be given. No one in the first group would receive less than £200, and it would be lawful

⁴² Plunkett is evidently referring to the returns he had requested, 8 February 1859. See *VPLA*, 1859-60, III, pp. 723-36.

⁴³ *SMH*, 14 December 1859, report, LA.

for the government to commute the annual grant of £200 for those in the second group to a gross sum calculated upon the life expectancy of the applicant. Plunkett opposed the bill on two points: it treated the original compact between the Crown and the denominations as one between the Crown and individual clergy; and the bill, pensioning the clergy as it did, could act as a bribe and the interests of the churches could suffer.⁴⁴ Almost immediately, returns were requested to show the number of clergy entitled to pensions and the total amount the government would be required to grant as compensation. Forster's bill illustrated very clearly the difficulties of providing equitable compensation for those clergy whose state stipends would be affected by an abolition bill. The *Empire* pointed out an extreme case. If a clergyman had been in the colony for nineteen years and eleven months he was entitled to £1,991.13s.4d., yet a brother clergyman who had arrived two months before him might find he was entitled to only £400.⁴⁵ Although the *Empire* praised the principle of the bill, 'total abolition of compulsory aid to religion—root and branch work', the editor thought it more prudent for the ministry to proceed with important public questions on which there was some general agreement 'before raising a discussion upon a matter in which so powerful a body as the State-paid clergy have a direct interest'.⁴⁶

While the *Church of England Chronicle* believed Forster's provisions in the bill to be ambiguous,⁴⁷ the *Christian Pleader* had no reservations in praise for the bill.⁴⁸ The State Aid Abolition League took the opportunity to castigate the Catholics as being mainly responsible for keeping 'this burden [of state aid] bound upon our shoulders'⁴⁹ because, out of the thirty-six petitions signed by 6,092 persons presented to the Legislative Assembly, twenty-two came from 4,460 Catholics. The Catholic petitions emphasised the moral value of clergy to the colony. On the other hand, the 3,252 persons who signed the eleven petitions approving Forster's bill⁵⁰ concentrated on the injustice of all being

⁴⁴ *Ibid.*, 16 February 1860, report, LA.

⁴⁵ 16 February 1860, 3rd ed.

⁴⁶ 24 March 1860, ed.

⁴⁷ 1 March 1860, ed., 'Is the Abolition of State Aid Expedient?'

⁴⁸ 18 February 1860, article, 'The State Aid Abolition Bill'.

⁴⁹ *Cb P*, 3 March 1860, article, 'The State-Aid Abolition League'.

⁵⁰ See *VPLA*, 1859-60, III, pp. 1035-1099.

forced to support select denominations and on alleged injurious effects to religion in general. With the mayor of Sydney in the chair, a public demonstration meeting was held on 27 February to protest against any continuation of state aid to religion, a 'subject . . . partly political and partly religious'. Wesleyans took a prominent part in the discussions and claimed that the best men in both Anglican and Catholic Churches 'were convinced that State-aid did their Church an injury'. Congregationalists energetically spoke against the state aid system recognising different ranks in the clergy by the grant of varying stipends and distributing the major part of the funds in the well settled areas.⁵¹ The furore was unnecessary. Having been in office only four and a half months, Forster's ministry fell on 3 March 1860, and he regretfully discharged his bill on 28 April.

Inter-church rivalry was another fault at the doors of state-aided denominations and this flared to violent outbreak on 29 March 1860, the time when Forster's bill was still under consideration. A large mob physically attacked Rev. W. McIntyre and his brother, Donald, at Scots Church in Maitland before the former could deliver his advertised lecture, 'The Heathenism of Popery'. Between 500 and 600 strong, the mob, after having prevented the lecture taking place, went on to assail Protestant homes—the police, some of whom were evidently sympathetic, did little to restrain them. During April the newspapers discussed the incident. According to the *Herald* the mob had been incited by Dean J. T. Lynch during Sabbath addresses from the pulpit. Lynch, moreover, had not relied completely on verbal exhortation for inside the porch of the Catholic church placards were placed: 'Irish Catholics, every man is expected to do his duty on Thursday night [night of the proposed lecture]'. The *Herald* admitted faults on both sides and so did the *Empire*, but the latter did not think that the offensive title of McIntyre's lecture gave excuse for violence. 'Such an exhibition of irrational fury is a disgrace to the colony'. 'Lynch-law', screamed the *Christian Advocate*, but the *Freeman's Journal*, not unnaturally, blamed McIntyre for his 'unlicensed and unlimited abuse'. Others saw state aid as the basic cause for the incident and whether this was

⁵¹ *Empire*, 28 February 1860, report of meeting.

a logical explanation or not scarcely mattered. Logic was not considered.

A stipend for the Jewish community was again requested in May 1860. Having moved for the stipend, Faucett apologetically explained that he was not anxious to retard progress towards abolition and the Jews themselves favoured abolition but, while state aid to the churches was given, 'should not [the Jews]', he asked, 'be put upon a level with other denominations?' But the Jews had succumbed to the failing of colonial churches. There were now two distinct Jewish sects—one had petitioned for the stipend, the other prayed that the petition might not be granted. Although it was admitted that the Jews were entitled to a state stipend as were other denominations there were, nevertheless, objections to the motion. The original Jewish community in York Street had seceded and gone to Macquarie Street and it was this group that was asking for a stipend but, if the sum were voted, one minister was as entitled as the other to claim it. Lang was truculently suspicious: he looked upon the motion 'as a fetch to strengthen the hands of those who were endeavouring to perpetuate the system of State-aid'. Faucett's motion was hopelessly lost.⁵² It was the Jews' last effort.

Pricked on by the need to establish his church's organisation on a firm basis, Barker again introduced through Deas Thomson his synod bill into the Legislative Council on 3 October 1860. Those who spoke against the bill were not certain that the majority of Anglicans wanted the legislation and so feared 'to place fetters and restraint upon the free action of the Church of England', especially as it was against the policy of the colony to interfere in the internal concerns of any denomination.⁵³ Encountering frequent postponements, indicative of the unease felt by the Legislative Council, the synod bill limped through prolonged debates until Deas Thomson finally postponed the bill's committal so that prorogation prevented any legislative decision.

In the reaction of those outside the legislature was evident a fear lest the Church of England gain a dominance over other denominations simply through any legislation made on its behalf. Despite the assurances that the bill would not establish the Angli-

⁵² *SMH*, 26 May 1860, report, LA. The votes were 22:9.

⁵³ *Ibid.*, 19 October 1860, report, LC.

can Church in the colony, 'the public', the *Freeman's Journal* proclaimed, 'will still be haunted with the notion that such a result must come out of the Bill'.⁵⁴ The bill was manifestly unpopular. Very pertinently—and the point possibly weighed as a factor in the legislature's rejection of the bill—the *Empire* questioned the right of the government to dictate to all the members of the Church of England, at the request of the bishop's conference, 'that the regulations and proceedings of their denomination for all time coming shall be subject to this obnoxious power of veto'.⁵⁵ Behind the *Empire's* criticism lurked a strong irritation that the government's time was so much taken up with church affairs. The *Empire* believed that the people had a right to demand that their representatives should waste no time from their proper duties 'to frame regulations for a particular religious denomination'. The representatives, too, belonging as they did to various denominations, would not possess the adequate knowledge to legislate for a particular church.⁵⁶ 'Freeman', using the jargon of the day, said much the same: 'our common liberty' would be endangered by government legislation for sects.⁵⁷ The active antagonism aroused by the synod bill created an atmosphere in which all church legislation was viewed with resentment and thoughts like those of 'Freeman' helped to develop hostility towards the state aid system, the system which kept the denominations entangled with the government.

At the beginning of 1861 Deas Thomson was finally successful in carrying the Anglican synod bill through the Legislative Council, the body of men, as the *Empire* testily commented, out of touch with public interests and living as if the society of the 1830s and 1840s still existed.⁵⁸ As anticipated, the bill met a stormy reception in the assembly but, before any decision was reached, the Anglican conference committee, responsible for the bill's introduction, withdrew it after the diocese of Newcastle expressed its dissatisfaction with clause 9 granting the right of veto in spiritual matters to the bishop. Since the bill had been altered from that considered by the Newcastle diocesan com-

⁵⁴ 20 October 1860, ed.

⁵⁵ 22 October 1860, ed.

⁵⁶ 17 October 1860, letter.

⁵⁷ *Empire*, 18 October 1860, letter.

⁵⁸ 23 October 1860, ed.

mittee, this, according to one Anglican, could only be expected.⁵⁹

While the synod bill was under discussion, Barker appeared to some to be providing a practical case why it should not be passed, as it granted him almost autocratic control over the Church of England. The same case was also a weapon in the hands of those who opposed state aid to the churches. On 25 January 1860, J. Darvall presented a petition from churchwardens of St Andrew's protesting against the appointment of Rev. W. Cowper to the deanery of their church. That such a protest could be taken to the legislature was the direct effect of the state aid system because the executive government, by authorising an annual stipend of £300 for Cowper as dean, had thereby approved the appointment. The appointment had been made while the dean's brother, Charles, held the positions of colonial secretary and vice president of the Legislative Council. The petition asked that the Legislative Assembly refuse to appropriate money towards the endowment of an office 'which is a perfect sinecure and plurality'. A select committee was appointed to examine the case.⁶⁰ Their report, after noting that Dean Cowper received an annual £610,⁶¹ stated that

whatever may be the precise nature of the Bishop's powers [as spiritual head] . . . it is clear to your committee that the appointment of a dignitary without a function—of an officer without a duty—is an abuse of those powers, and that the payment of any salary to such an officer out of the public Treasury is a misappropriation of the public money, equally unwarrantable and indefensible.⁶²

Barker hastened to defend himself: his authority to appoint Cowper as dean rested on his letters patent.⁶³ Rev. G. King, incumbent of St Andrew's for ten years, saw the appointment of Cowper as a deliberate, personal slight on him because he had publicly expressed his opinion that the bishop should not be given

⁵⁹ *Empire*, 9 April 1861, letter.

⁶⁰ *VPLA*, 1859-60, I, 17 February 1860, p. 475.

⁶¹ As dean of St Andrew's Cowper received £300, as incumbent of St Philip's, £160, and from the Glebe Funds he received £150.

⁶² *VPLA*, 1859-60, III, p. 1209.

⁶³ Rev. G. King believed that the letters patent, without an Act of Parliament, conferred no legal powers in the colony; he said that the Law Officers and Mr Justice Pattison, Lord Chief Justice, agreed with him. See letter from King, *SMH*, 26 April 1860.

the right of veto.⁶⁴ With many supporters behind him, including the *Christian Pleader*, King refused Barker entrance to St Andrew's on 21 September 1859, because Barker had given him no place, as was his due as incumbent, in the ordination service to be conducted by the bishop. If the ordination service had taken place as Barker wished, Cowper would have been legally installed as dean and this King was determined to prevent. Although the Church of England Temporalities Act following the Church Act gave the licensed clergyman the right to exercise his ministry in the parish church without hindrance from any person,⁶⁵ Barker summoned King to appear before an ecclesiastical tribunal. King then called the bishop to produce before the Supreme Court the authority he had for erecting such a tribunal.⁶⁶ The *Empire* saw the incident in a wide context: the law of the land forbade the establishment of courts without legislative authority 'and it is a most disgraceful subterfuge to elude this law by disavowing the name of a court while assuming judicial functions'.⁶⁷

The Supreme Court decided that the bishop was bound to adhere to the provisions of the Church Act even if this meant not exercising the power granted him in his letters patent. So Barker withdrew King's licence affirming, however, his willingness to grant another licence for the same church with a certain proviso 'reserving the rights of the Bishop and his successors'.⁶⁸ King accepted the new licence but repercussions continued. An address 'expressive of the sympathy of the clergy to the Bishop in the Rev. Mr. King's case' circulated for signatures and some clergy declined to sign.⁶⁹ Rev. W. Stack published a letter written by A. Gordon, friend of Barker, in which Gordon denounced Stack and Allwood for continuing to show friendship to King while he was under episcopal displeasure.⁷⁰ In mid-1862 King let it be known that, since 1 October 1859, Barker had stopped the annual grant of £25 from the Moðre estate given to him since 1849.

⁶⁴ *Ibid.*, 26 April 1860, letter.

⁶⁵ *Ibid.*, 9 November 1860, report, 'The Bishop of Sydney v the Rev. G. King', speech by G. Eagar.

⁶⁶ *Empire*, 9 November 1860, report of meeting.

⁶⁷ 12 November 1860, ed.

⁶⁸ *CEC*, 7 March 1861, ed.

⁶⁹ *Empire*, 15 March 1861, letter, 'A Layman'.

⁷⁰ *Ibid.*, 15 March 1861, letter. Stack and Allwood had accompanied King when he sought his new licence. See *ibid.*, 21 March 1861, article, 'Summary of News for England'.

Although the bishop's secretary claimed that 'the Grant had been stopped due to deficiency of funds', he also had to admit that Barker was continuing to receive his annual £100 from the Moore estate.⁷¹ Barker's apparent autocratic and unjust dealings with King, originating with his direction that two state stipends should be paid to one man, punctuated the critical period between 1859 and 1862, throwing into glaring relief injustices that could be perpetrated under the state aid system and with cognizance of the reigning ministry.

⁷¹ For relevant letters see *SMH*, August 1862.

II

Interlocking Issues

The third general election since 1856 and the second under manhood suffrage was held at the end of 1860. It turned on Robertson's land bills, the most debated clause of which contained the principle of free selection before survey. Judging the land bills as the last attempt of Cowper's ministry to preserve its position, some predicted that, to gain supporters, 'They may have to descend very low in the scale of intelligence and social standing,' and warned that such men would remain loyal only if their leaders fulfilled their wishes. Cowper might find, remarked 'An Elector', that 'Mob despotism will be more difficult to contend with than even conservative obstruction'.¹ The view was widespread that Cowper was deliberately forsaking former principles and former supporters because they were tinged with unpopular conservatism for men who would '*talk the talk* of Robertson'.² When it was obvious that Cowper was to control the new parliament, the *Herald* lamented, 'He has given up all his convictions to the love of power'.³

This estimate of the expedient mutability of Cowper's political views was not fully justified. He had entered the political arena in 1843 with moderate principles that had, over the years, gradually become actively liberal. With the exception of his opposition to vote by ballot, Cowper's 1851 electoral program was liberal. By 1857 he was working with the radical Parkes. It was during his second ministry that the electoral act granting adult manhood suffrage and vote by ballot was passed in 1858. The steady swing of Cowper's views towards a more positive liberalism argues a

¹ *SMH*, 28 November 1860, letters.

² *Ibid.*, 5 December 1860, ed.

³ 11 December 1860, ed.

sincere, not a sudden, expedient change. That compromise was sometimes called for was in the nature of politics, especially in this early period of responsible self-government. From any aspect rapid ministerial changes were detrimental. To maintain a certain political stability compromise was essential. This, it seems, was the basis of the working partnership of Cowper and Robertson. In return for Cowper's support for his 1861 land bills, Robertson was prepared to exempt the church and school lands from the operation of these bills.⁴ Once manhood suffrage had been granted, Cowper had also to take into account the wishes of the electors in order to maintain his position. He was astute enough to concede what he could not prevent.

By throwing his weight behind the popular cry, 'Free selection before survey', Cowper knew that he would have the backing of the newly enfranchised, the working class, those who saw in any defeat of squatters' policies their own advancement. As the *Empire's* correspondent shrewdly observed on 31 December 1860, free selection before survey appeared to be the order of the day 'yet I question whether one out of ten of the electors really understand it, beyond its being a boon to the poor settlers, and the downfall of the crushing monopolists'. Election results showed the wisdom of Cowper's policy: only thirty-nine of the old Legislative Assembly were returned.⁵ In January 1861 the *Empire* gloated that the victorious candidates had nothing 'but the justice of their cause to oppose against the powerful influences of great wealth, clerical intrigue, and dominant landlordism'. This association of the wealthy squatters and the clergy was almost inevitable. The four most hotly debated planks of the election campaign were the land bills, the method of selecting men for the Legislative Council, the synod bill and state aid to religion. Of these the land bills were the crux. And the principles prompting men to support Robertson's land bills and selection before survey were much the same as those prompting them to favour popular election of men to the Legislative Council, to oppose both the synod bill and state aid to religion. These principles—less government intervention in men's affairs, no government favouritism

⁴ This assessment of the *Empire* is reasonable, especially judging from Cowper's attitude in the debates concerning the church and school lands in 1862. See *Empire*, 6 September 1861, ed.

⁵ *Ibid.*, 3 January 1861, article.

for certain classes or denominations—were based on justice and equality.

So-called conservatives resisted Robertson's bills that would allegedly give the land to the people. Almost all of these men supported state aid and were backed by clerical influence.⁶ Of the 67 candidates who gave their views on both Robertson's land bills and the state aid issue in the *Herald* during November and December in 1860, 53(35) favoured the land bills; 40(28) of these men wanted complete abolition of state aid, 6(6) wanted state aid given only for the interior and 7(4) advocated state aid. Of the 14 who opposed Robertson's bills not one was elected. Of these 14 candidates, 9 had opted for state aid, 4 had called for abolition and 1 for state aid for the interior. The conclusion was inevitable. In the great majority of electorates mentioned in the *Herald*, if an elector voted for the man pledged to get Robertson's land bills through the legislature he voted for abolition, complete or partial, of state aid to religion. The choice had to be made—either the land bills or state aid. Even if an elector, hovering between the alternatives, decided to support the candidate advocating state aid for religion, there was, judging from the electoral advertisements in the *Herald*, little chance of state aid surviving the new legislature: of 67(35) who gave their views on the state aid issue, 44(25) wanted its abolition while only 16(4) spoke for full continued state aid and 7(6) for partial state aid, that is, for the interior.

In Caroline Chisholm's serial, 'Little Joe', published in the *Empire* during 1860, not only does she depict very strongly the image of the squatter-clergy bloc but she also affirms the influence and authority of the clergy in her belief that the side which the clergy supported was always victorious. In the story she embodied what she saw as the workers' views on Robertson's land bills and on the issue of state aid. With her long years of experience with the working class her statements may justifiably be taken as the expression of at least a considerable minority. Some ideas that she expressed, illogical as they were, seem to confirm that they were genuinely those of the ill-educated and undiscerning worker. One such belief was that the people would never get

⁶ *Ibid.*, 15 December 1860, ed. Figures in parentheses refer to the number of successful candidates in the elections.

the land while the clergy were paid 'hush-money' by the government through the influence of the squatters to keep them 'quiet about the land'. With abolition of state aid, Mrs Chisholm argued, the clergy would be forced to rely mainly on the workers, therefore, they, 'who are deaf and dumb now as regards the social wants of the people', would then encourage reforms to benefit the workers—the eight-hour day and unlocking of the land. State aid kept up class distinctions and the poor man rarely saw a clergyman in his home 'for the foot of the missionary', a cynical character maintained, 'has never been found in a Government shoe' while Pat McGuire, another of Mrs Chisholm's characters, testified to the love between Catholic pastor and flock in Ireland, a love which he said was absent in the colony. When one claimed that religion would suffer if state aid were abolished, the serial's leading upholder of the voluntary system, Blair, burst out: 'Suffer, Sir, it could not injure the poor . . . they contribute, as you know, more than the rich to the purse from which State-aid is paid. What does it do for them?' The workers, he indignantly explained, were locked out from that part of the church where the seats were and toll collectors at church doors intimidated the poor from entering. All this would change, Blair asserted, if the clergy had to rely on voluntary subscriptions. Not only may it be assumed that Caroline Chisholm spoke for many of the working class but her own conviction that state aid ought to be abolished, so apparent in her serial, would have carried considerable weight.

The Catholic clergy were responsible for furthering the identification between squatters and clergy. McEncroe, for example, wrote to William Macarthur, brother of James, 'I have no doubt but you will use your influence with the electors of your district on behalf of Mr Plunkett'. Macarthur agreed to do so and obligingly sent around notes, one of which reached the *Empire* and was promptly published as proof of a wealthy squatter 'who neglected nothing that could insure a victory for his nominees'.⁷ The *Empire* declared its distress to see McEncroe lending his 'powerful influence' to Plunkett who had voted against free selection before survey of the land. It was another case of a clergy-

⁷ See relevant letters in Macarthur Papers, XLI, A2937, ML, pp. 149-50.

man forwarding the interests of the squatters.⁸ In the last few years before state aid was abolished Catholic clerical interference in elections was particularly marked. Possibly Irish tradition contributed to this. In June 1859, the *Freeman's Journal* had published an article advocating the necessity for Catholics to have more members in the Legislative Assembly and advised Catholics to vote for those who would uphold religious equality, not 'out-and-out Low Church men, devoted radically to the Barkerite-Denison principle of Church ascendancy'.

From fear lest the Anglicans should gain their synod bill and Cowper succeed with his abolition bill, Polding, as he wrote in a circular to his clergy, was 'induced to deviate from my usual course, and to recommend that, at this crisis, you should endeavour also to influence the opinions and actions of all who may respect your judgment'. Polding alleged that the withdrawal of state aid would be

a direct violation of compact made by Government with all those heads of Denominations . . . and with those districts that have built Churches in just reliance upon the permanency of that impact. This injustice to the denominations would be in addition to a breach of faith with the Imperial Government, to which Schedule C is as absolute a debt as any that could have been incurred.

Polding feared that a voluntary system would overthrow 'the divinely appointed hierarchy, and introduce a presbyterianism controlled by the wretched tyranny of moneyed or loud-tongued oligarchies'.⁹ The *Empire* bluntly offered advice: if the elector saw and felt 'that the opportunity now afforded of throwing open the public lands, is of far more value to his fellowmen than the State payment of clergymen' then he should vote against Polding's wishes.¹⁰

Through a circular, McEncroe convened and chaired a meeting of Catholics on 19 November 1860, with the purpose of 'taking steps to continue and direct the Catholic vote at the approaching general election'; all agreed on demanding pledges from political candidates, particularly with reference to questions endangering religious equality. Catholic electors, thus dir-

⁸ 5 January 1861, ed.

⁹ Circular, dated 3 September 1859, republished in *FJ*, 20 October 1860.

¹⁰ 15 December 1860, ed.

ected the *Freeman's Journal*, should favour candidates supporting free selection before survey, an elective upper house, the Church Act and opposing the Anglican synod bill.¹¹ This, however, was a direction impossible to follow.

The *Christian Advocate* had its comment on clerical influence. Catholic clergy in Sydney induced their followers to vote against the wishes of the majority of colonists 'on purely religious grounds. With the mass of the people the election turned on the question of "free selection", but with them it turned on the question of State-aid to the Church'.¹² Even in late November 1860, the *Empire* warned that the land monopolists looked to the clergy for support and condemned

the so-called Church, let it be of what denomination it may, when it assumes the low character of a human contrivance to meet human needs,—when it sinks itself into a political machine,—when it looks upon itself as to its means of support, as a creature of the State,—when it puts forward its claim to a pecuniary subsidy and recompense as a moral police:—it is to such a church in such a condition that evil influences proceed. To reduce any congregation of faithful men to such a state the golden link of State-pay is all sufficient.

Some Catholic clergy undoubtedly used their influence to support candidates promising continuance of state aid. At an election meeting on 30 April 1860, a Catholic priest, Rev. P. Powell, seconded a candidate I. Shepherd, because he approved of his 'liberal principles', especially in advocating the countenance of 'State-aid'. In the press on the same day as the report of the election meeting, Powell inserted a letter praising Shepherd and concluding, 'I therefore reasonably hope and expect that your votes and interests shall be recorded in his favour, as shall be mine'.¹³ The reason for the Catholic clergy being 'so notoriously conspicuous' at the elections, cynically wrote 'A Catholic', was obvious. 'Mammon, Mammon, State-aid, State-aid, was the motive power . . . State aid—that most unpopular of all systems, as it offers violence to the consciences of all men, that took them there'.¹⁴ Certainly, the resentment at blatant clerical guidance

¹¹ See *FJ*, 21 November 1860.

¹² 20 December 1860, ed., 'Popery and Political Institution'.

¹³ The *Empire* quotes these facts and prints Powell's letter, 1 May 1850, 2nd ed. Despite the presence of three state-aided clergy at the hustings, Shepherd was defeated.

¹⁴ *Ibid.*, 10 May 1860, letter.

during the 1860 elections must not be discounted as a factor in determining the hitherto undecided to vote for the candidate who promised that, with abolition of state aid, clerical influence in politics would be undermined.

Catholics were not united on the state aid issue. The Irish as a race longed for ownership of land and Irish Catholics were repelled by the thought of state aid. 'A Catholic' asked aggressively,

Why should Irishmen or the sons of Irishmen wish to introduce into this free and happy land that abominable system under which their forefathers laboured for three centuries past, and under which the people of Ireland labour at the present day?¹⁵

As a group the Irish were counted among the radicals; they threw in their lot with Lang, Parkes, and with all those who stood for the underprivileged, even at the expense of a candidate of their own race. Evidence at the time of the 1856 elections 'suggests that the Irish and Roman Catholic voters were indifferent to the admonitions of the *Freeman's Journal*' and 'At the poorer end of the [Cook] ward Plunkett polled 40 votes to Parkes' 107'. The most senior and most popular of the Irish Catholic clergy, McEncroe, was friendly towards Parkes and Cowper, both strong advocates of abolition of state aid. Although his loyalty to Polding encouraged a tactful discretion, McEncroe himself had always preferred the voluntary system, but then it was common knowledge 'that the greater portion of the *secular* clergy are averse to State-aid, while the *regular* or monkish clergy' clung to it.¹⁶

There is one other relevant point to note in the general election of 1860. In this election for the fourth parliament, the second held under manhood suffrage, the number of registered electors in New South Wales totalled 106,189; of these only 28,340, some 26.7 per cent, actually voted¹⁷—politics for the New South Welshman was not a popular game and responsible self-government itself was earning little praise. But, although the seventh ministry was formed on 10 January 1861, Cowper had been the leading figure in ministries governing for three out of the four

¹⁵ *Ibid.*, 3 April 1860, letter.

¹⁶ *SMH*, 20 June 1862, letter, 'A Catholic'.

¹⁷ *Statistical Register of New South Wales, 1861*, pp. 61-3.

and a half year period. As premier in two of the three ministries and colonial secretary in a fourth when Robertson was premier he gave continuance to what might otherwise have been chaotic administration. Rapid ministerial dissolutions and public apathy towards elections meant that the battle for position and power had to be fought in the legislature so that the forming and breaking of majorities were essential to it. The major weapons in the ministry's battle of tactics were promises either of specific legislation or administrative posts to formidable opponents. Six broken ministries in four and a half years provided another weapon as politicians themselves became acutely aware that the ordinary government of the country became impossible unless a majority rapidly united to pass or to strangle the various motions. Continuous stormy debates not only held up necessary legislation but also irritated the colonists. Two important consequences resulted: the members of the Legislative Assembly were more prepared to compromise and the ministers were more hesitant in introducing controversial issues. Both consequences were at work in the rejection of David Buchanan's 1861 attempts and in the acceptance of Cowper's 1862 bill to abolish state aid.

David Buchanan, member for Morpeth, moved on 23 January 1861 for leave to introduce a bill for 'total and immediate abolition of State-aid to religion'. The time was far from opportune. Denison had just sailed for England, 'leaving everything in a state of perfect chaos'¹⁸ and the newly elected assembly was, in the opinion of disgruntled conservatives, 'composed of such fellows . . . [as] will drive every respectable man out of the Colony that can afford to leave it'.¹⁹ Buchanan bowed ungracefully to the adverse reaction. He would withdraw the bill, he bargained, 'on the distinct understanding that the Government would introduce a measure in reference to the subject on an early day next session'.²⁰ Undismayed by another defeat in April, Buchanan, in December of the same year, for the third time attempted to force Cowper's hand. He moved that the ministry should immediately introduce a bill to abolish state aid to re-

¹⁸ Letter from G. Nicholson, 1 January 1861, Macarthur Papers, XXVIII, A2924, ML, p. 529.

¹⁹ Letter from Sir Roger Therry, 6 May 1861, *ibid.*, XXXIV, A2930, ML, p. 93.

²⁰ *SMH*, 24 January 1861, report, LA.

ligion. His tirade against the Church of England—'one mass of corruption from one end to the other' in England—weakened his cause, and the lateness of the session defeated him.²¹

State aid continued to be responsible for regular parliamentary altercations. In May 1861, the colony had been informed of the Duke of Newcastle's directions concerning the precedence to be observed among ecclesiastical dignitaries. Polding, hitherto ranking second to Barker as metropolitan bishop, now ranked below all Anglican suffragan bishops. The *Empire* darkly intimated on 27 May that the blame for 'the introduction of a galling distinction' in a land where 'perfect equality of religious communities has long been recognised' could be laid at Barker's door. For the *Empire* the precedence issue was no narrow one. Those advocating state aid

are, in effect, seeking the continuance of the anti-social and pernicious distinctions involved in the order of precedence assigned to different churches. State-aid is indissolubly conjoined with mutual jealousies and enmities in connection with the sacred subject of religion.

Superficially the issue appeared slight but, involving both religion and the political connections between the colony and the mother country, it assumed large proportions to the colonists. Within three weeks of the second session, the volatile Buchanan moved for an address to be forwarded to the Queen conveying the assembly's desire that no precedence should be given to any religious sect on state occasions. Cowper acted the bewildered politician: Newcastle's despatch only modified existing arrangements and 'It was a matter of order and did not place one set of clergy over another'. The assembly, however, was of another opinion and, with the insertion of 'or on the dignity of any Church', Buchanan's motion was carried without division.²²

On 15 January 1862, Newcastle wrote his terse and dignified reply: he did not feel at liberty to recommend to the Queen a departure 'from the long-established rule of precedence' merely for New South Wales.²³ After Buchanan had gained this information, he proceeded to move a rambling and ungrammatical

²¹ *Ibid.*, 4 December 1861, report, LA.

²² *Ibid.*, 23 September 1861, report, LA.

²³ Copy of despatch in *VFLA*, 1862, I, p. 1075.

resolution which no one was prepared to second.²⁴ By 8 July his motion was more carefully worded but still too blunt for general acceptance. The assembly finally approved a tactful amendment.²⁵ The emphasis was again on state aid—the justification for Newcastle's adamancy—although Lang advised the abolitionists to keep the two points separate: 'on the eve of the great battle of State-aid . . . It would be better for them to keep their powder dry for the real field'.²⁶ The address was forwarded but Newcastle remained firm.²⁷

In September 1861 T. Holt moved for a short prayer to be read by the speaker, was defeated, and raised the motion again in June 1862 when it was carried. The following day the prayer was delivered while all stood, except one or two who remained seated, and several ostentatiously quitted the assembly during the prayer. Two days later, 27 June, P. Faucett moved the rescission of Holt's motion because he believed that a majority should not be permitted to dictate for all in a matter touching religion. Hay backed him: Holt and his supporters, being opponents of state aid, had been guilty of great inconsistency in taking a course only compatible with the existence of a state church. The rescission was approved.²⁸

On 23 January 1861, the same day as Buchanan had introduced his bill to abolish state aid, Wilson moved for leave to bring in a bill to declare the church and school lands waste lands of the Crown. The timing was calculated. The legal position of the church and school lands would affect both Robertson's land bills and the movement to abolish state aid. If declared waste, the church and school lands would be thrown open to selectors. If they were not declared waste, then the lands would pose a problem: ought they or their revenues to be distributed among the four state-aided denominations, thus extending state aid even if the stipends were withdrawn, or ought they to be restored to

²⁴ *SMH*, 18 June 1862, report, LA.

²⁵ 'That this House, adhering to its former resolutions in favour of religious equality, regrets that her Majesty has not been advised to give effect to this principle in regard to the question of precedence which has arisen between the heads of different denominations in this colony, and hopes the question will be reconsidered'. *VPLA*, 1862, I, 8 July, p. 170.

²⁶ *SMH*, 9 July 1862, report, LA.

²⁷ Young's despatch, 21 July 1862; Newcastle's despatch, 1 October 1862. CO 201/523.

²⁸ *SMH*, 28 June 1862, report, LA. The votes were 20:19.

the Church of England, the original owners? Wilson insisted that the lands 'were situated in the best localities, and were the most desirable lands for selection'. Robertson believed that the lands were worth some £2,000,000. Wilson's motion, therefore, was posing the question on which there was considerable debate—should the government aid religion in any form? Immediately aware of the threat to his land bills, Robertson urged the passing of the land bills already in the process of legislation before Wilson's motion was debated. Hay hoped that the ministry would not oppose the bill's introduction—it would be absurd to pass Robertson's land bills without specifically including or excluding the church lands. Wilson read his bill for the first time but, on the day for the second reading, Robertson put his cards on the table:

From one end of the country to the other, it had been a matter of fact that the pastoral occupants of the public lands had been enabled to obtain a holding of those lands by uniting themselves with the churches, in order to back the dealing with the land question. But now seeing that the House was composed of a large section in favour of throwing open the Church and School lands, they were prepared to ally themselves with them to secure the throwing out of the bill which had, a night or two ago, been read a second time.

Robertson vowed that 'They should find those gentlemen who approved of state-aid voting against the Land Bill on its third reading because of the withdrawal of this assistance' and, 'if this bill was passed he would not be prepared to go on with the Land Bills'.

Piddington tried to force Cowper into a corner: if he were really in favour of abolition of state aid then 'he must, by virtue of that principle, vote' for Wilson's bill. Cowper was certainly inconsistent in advocating the abolition of state aid yet upholding the right of the churches to retain the funds from the church and school lands. There is the possibility that he wanted those lands returned to the Church of England. Cautiously avoiding the state aid issue, Cowper concentrated on the legal aspect—land once given could not be reclaimed without setting a dangerous precedent. One member, however, looked on the endowment of land for the churches 'as the first and great stronghold of State-aid that they would have to assault and demolish; if this were left

behind them, it would leave any victory they might gain incomplete'. Foreseeing the successful voting on Wilson's bill, the ministers, according to the *Herald*, divided forces to shun the appearance of a cabinet defeat.²⁹

The two largest denominations were conscientiously following the debates. Barker and Polding petitioned to be heard by counsel at the bar of the assembly because they maintained that the church and school lands were not waste lands of the Crown. Speaking in the assembly for Barker, Manning, admitting that Martin and A. P. Lutwyche, Attorney-General and Solicitor-General respectively in 1856, had held that the lands were waste, proved that their opinion was far from being unanimously supported by other legal officers. The debates dragged on but the assembly, finally approving Wilson's bill, sent it to the Legislative Council where it lapsed before its second reading.³⁰ The *Herald's* approach was practical: although the Church of England was no longer demanding exclusive control of the lands in question, 'the exclusiveness is by no means removed' because the revenue was appropriated by only four denominations. With the government's promised bill to abolish state aid, it was no longer logical for such an endowment to continue.³¹

A small advertisement in the *Herald* on 1 September 1861, concerning the sale of a portion of the church and school lands in the Botany parish, provoked pertinent remarks.³² The result of these was the publication of a letter from Cowper stating that the money realised from the sale would be credited to the Church and School Estates Fund—'The amount will be invested in Government debentures, and the interest only appropriated'.³³ Wilson, of course, moved in smartly on cue. On 13 September, he asked for an address to the governor embodying the resolutions:

That the appropriation by the Government, of the Revenue derived from the so-called Church and School Lands, without the sanction of this House, is unconstitutional. That the revenue from these lands ought to be paid into the Consolidated Fund, and ought to be subjected to the vote of this House.

²⁹ *Ibid.*, 2 February 1861, report, LA. The votes were 39:12. Arnold and Weekes voted in the majority, Cowper and Robertson in the minority.

³⁰ *Ibid.*, 13 April 1861, report, LC.

³¹ 1 March 1861, article, 'The Church and School Lands Bill'.

³² *SMH*, 5 September 1861, letter, R. Sadleir.

³³ *Ibid.*, 12 September 1861.

In defence, Cowper referred to the despatch of Russell, Secretary of State for Colonies in 1839, permitting the government to sell church and school lands but the opposition insisted that the ministry was acting against a large majority in the assembly of last session who had held that the lands were waste. Pressed by questions, Cowper was forced to admit that the funds of the church and school estates were appropriated at the end of each year by vote of the executive council. With loud cheers Wilson's resolutions were carried.³⁴

Although the three ministers present were among the minority voting against Wilson, the ministry did not resign. Cowper felt it necessary to explain that, 'whatever he might consider it to be his duty to do in such a case, under ordinary circumstances, still, in the present state of the business of the country', he would not resign.³⁵ The ministry was indeed in a precarious position. The all too likely possibility that they would be succeeded by 'the lowest and most unscrupulous radicals' gave them supporters³⁶ and the ministry was not loth to curry favour by distribution of appointments.³⁷ But Cowper's evident intention to endow religion, so manifest in his actions with church and school lands, helped to create a background of suspicion that was almost to defeat his bill to abolish state aid to religion. Governor Sir John Young forwarded the assembly's address to Newcastle with the comment that the ministers who supported Cowper on the issue did so in deference to him as their leader. What, he asked Newcastle, should be his opinion as representative of the Crown? After seeking legal advice, Newcastle left the whole issue to the local legislature. A mere resolution, he wrote, could not have effect but when an Act was passed there was no necessity to get the Crown's approval, providing the interest of individuals concerned was respected.³⁸

Emboldened by Cowper's attitude and his own success, Wilson

³⁴ *Ibid.*, 14 September 1861, report, LA.

³⁵ *Ibid.*, 18 September 1861, report, LA.

³⁶ William Macarthur, 15 September 1861, to James, Macarthur Papers, XXXVIII, A2934, ML, p. 560.

³⁷ *SMH*, 5 September, ed. See also Parkes's letter 13 May 1861, to Robertson, in which Parkes accepted the position of commissioner for immigration in England and wrote that he had resigned from the assembly. Parkes Correspondence, VI, A876, ML, pp. 237-44.

³⁸ See relevant despatches, CO 201/519.

once more brought in a bill to remove doubts that church and school lands were not waste lands. It moved fairly smoothly through the assembly with some emphasis on the real question at issue—should the government aid religion in any form?³⁹ When the bill was once more blocked in the Legislative Council, Wilson immediately moved that the assembly inform the governor of its disapproval that the resolution passed on 13 September with reference to the revenue from church and school lands had not been carried into effect. His motion failed only because, at the last moment, Hay swung to support and to save the ministry.⁴⁰ The *Herald* bitterly wrote of 'despotism', of a strong government that could set the wishes of the people at naught and whose opposition, unfortunately, consisted of two extremes that would never meet, 'the shattered remnant of the Conservative party—and the impatient and irascible Ultra-Radicals'. Referring to 'The unsatisfactory and humiliating state of affairs', the *Empire* castigated the dictatorial policy of the ministry, scorned the Legislative Assembly as a 'mere voice', and condemned the Legislative Council as an 'implement wherewith the acts of the Assembly can be vetoed'.⁴¹ Struggling to maintain office, Cowper could give nothing but a negative answer to Lang's query whether he intended to bring in a bill to abolish state aid in the second session.⁴² An embittered *Empire* gave its opinion: 'What with schedule C, Glebe Lands, Church and School Lands, and the Pensions List, ecclesiastical dignitaries seem still likely to come into their old share of the Treasury loaves and fishes'. The editor did not fail to remind his readers of the discrepancy between stipends for ecclesiastical dignitaries and the curates.⁴³

Once Robertson's land bills had been safely enacted, however, Cowper was forced to face the problem of state aid, 'the last hustings cry of 1856'. He was, too, 'firm in his saddle'⁴⁴ by the third session, which had opened with Butler's reminder of the 'great injustice' suffered by the minority because the state supported only certain denominations.⁴⁵ From the beginning of 1862,

³⁹ See reports of LA in *SMH*, October 1861.

⁴⁰ *Ibid.*, 13 November 1861, report, LA.

⁴¹ 14, 19 November 1861, ed.

⁴² *SMH*, 19 October 1861, report, LA.

⁴³ 29 October 1861, 2nd ed.

⁴⁴ Letter from Sir E. W. Ward, 19 October 1862, to James Macarthur, Macarthur Papers, XXIX, A2925, ML, p. 178.

⁴⁵ *SMH*, 28 May 1862, report, LA.

moreover, the press agitated the question of state aid to the churches. 'The presumptuous office assumed by the State', thus the *Empire* on 5 February,

of deciding what particular forms of faith shall be bolstered up by public exactions, and what shall be left to their resources, must no longer exist, to reproach the intelligence of the country, and to foster religious animosities.

The *Empire* believed that 'the vast majority of the public consider it [state aid] a moral wrong, a source of political corruption, and a disgrace to religion', and, although abolition might not sweep away all forms of corruption, 'it would remove one which is the most powerful of all in its influence, the most demoralising in its tendency, and the most scandalous by its example'.

Considering that it would be difficult both to support existing clergy and to encourage clergy to migrate to the colony without state aid, the *Freeman's Journal* on 28 May called upon Catholics to unite in defeating the promised abolition bill. Holding the same views, the official Anglican paper performed the same office for Anglicans. Advocates of state aid began to emphasise that 'State-aid to religion and support to a State religion are two very different things' and voluntary aid would mean that 'The rich may be courted, the well-to-do welcomed, and the poorer class of the pious denuded',⁴⁶ while lecturers insisted that the state had a duty to give religious instruction.⁴⁷ In the whole debate on the issue, in 1862 or in the previous years, there was little question of anti-religious motives. In August 1862 the *Freeman's Journal* did claim that there were some in the legislature who advocated abolition of state aid because they imagined 'they take one step towards weakening the influence of religion'. But the editor indirectly affirmed that such men—if there were any—were in the minority. Both those for and those against state aid

seem to be actuated by a sincere desire to promote the best interests of religion by what they conceive to be the most effectual means. That class of individuals—if there be such a class—who are adverse or indifferent to the Christian cause, feel no concern and take no part in the question.

⁴⁶ *Empire*, 15 April 1862, letter, 'Reverer'.

⁴⁷ *Ibid.*, 17 April 1862, report of lecture on state aid to religion delivered by Rev. J. S. White, Synod of Australia, on 10 April at Singleton.

The worst aspect of state aid, concluded the *Empire*, was the fact that 'The clergy have bartered their electioneering influence and suffrages, for pledges in behalf of State-Aid', and, although 'The sum is but small, yet it has been seen to be large enough to sway the majority of its reverend recipients on the occasion of every General Election, in opposition to the cause of the people'.⁴⁸ Encouraged, men took up their pens to laud the voluntary system and to condemn state aid.

The issue of the church and school lands continued to interlock with that of state aid. Wilson helped to arouse suspicion that the ministry wished to withhold Newcastle's despatch in which he had stated his opinion that the local legislature could do as it pleased with the church and school lands. Obviously, if Newcastle's influence were eliminated or mitigated the ministry could reasonably hope that the legislature would be more amenable in allowing the revenue from church and school lands to continue being applied to religion and to education. On 30 May 1862, Wilson presented his now customary bill to remove doubts existing as to whether church and school lands were waste. It was the day after Robertson had made the first move in a series culminating in the withdrawal of state aid to religion. He had introduced a bill releasing church and school lands for sale and directing that the resulting funds should be given for purposes for which lands were originally appropriated. Wrathfully noting the new unity of the ministry on the question, Piddington 'saw no difference between the practice [of state aid to religion] now existing and the one which the Secretary for Lands now sought to introduce'—the ministry was preparing a new state aid system before withdrawing the old.⁴⁹ Robertson conceded the omission of the word 'religion' as the object for which the funds from the sale of the lands would be given but emphasised the need to consider the reaction of the Legislative Council to the bill. The bill, accused an incensed member, gave the church and school lands 'over to the uncontrolled power of the Executive—without any interference by this House'. He would prefer the lands to be declared waste. Forster agreed. The ministry united on the successful vote to adopt the report of the committee on the church

⁴⁸ 25 April 1862, ed.

⁴⁹ *SMH*, 30 May 1862, report, LA.

and school lands bill.⁵⁰ It passed to the Legislative Council where Manning won his plea for adjournment, because

There was another bill before the Assembly for the revocation of State-aid to the Church—to withdraw, in fact, £28,000 secured by schedule . . . If the bill . . . were rejected by the Assembly, then the Council would be in a better position to deal with this church and school lands bill.⁵¹

The respite was temporary. The Legislative Council at length grudgingly passed the bill with amendments securing the revenues from the church and school lands for religion and education in the same proportion as they had hitherto been divided for these purposes.⁵² After having received the bill on 6 November, with the bill on state aid to religion still being debated, the Legislative Assembly was not prepared to accept all the amendments. It was maintained that the church and school lands bill would form an endowment of religion for ever, notwithstanding the fate of the state aid bill,⁵³ and, as this was the opinion of the majority, the assembly finally discharged the bill in December 1862.

The two unpopular aspects of Robertson's church and school lands bill were underscored at a public meeting. One member said that the bill provided for the continuance of state aid and, to him the more important aspect, proposed to establish a separate fund in the Treasury over which the governor and ministry alone had control. This, he explained, violated section 47 of the Constitution Act whereby parliament was given complete power over all public revenues which were to form one consolidated fund. Deniehy spoke for those who wished the church and school lands to be brought under the provisions of Robertson's 1861 Land Acts while Wilson showed that the bill did not prevent the governor from applying the revenue from the lands as he willed, for example, paying clergy in England.⁵⁴ On this latter point James Martin wholeheartedly concurred.⁵⁵ Cowper, so the *Herald* insinuated, was out for all he could get for his church and immediately calculated that, if the lands were as valuable as alleged, they

⁵⁰ *Ibid.*, 3 July 1862, report, LA.

⁵¹ *Ibid.*, 17 July 1862, report, LC.

⁵² *Ibid.*, 6 November 1862, report, LC.

⁵³ *Ibid.*, 20 November 1862, report, LA.

⁵⁴ *Ibid.*, 18 June 1862, report of meeting.

⁵⁵ *Ibid.*, 3 June 1862, letter from Martin.

would be worth a million pounds within a few years—'that is a fund which would yield £50,000 a year at five per cent'. Including the '“State-aid” controversy' as it did, the bill would never be passed in an assembly elected by universal suffrage.⁵⁶

Notwithstanding the abolitionists' horror of it, Robertson's church and school lands bill, taken with Cowper's abolition bill, was 'highly dangerous' in the opinion of the official organ of the Church of England. It was typical of the confusion. In 1862 there were two bills dealing with state aid—the abolition bill and the church and school lands bill—and Cowper's intentions on the issue were none too clear. As appropriations from the church and school lands fund could only be secured to the churches by an annual legislative vote, how, if Cowper's abolition bill went through, 'can it be expected', wondered the *Church of England Chronicle* on 4 July,

that any sums will be voted for religion in the teeth of a law which prohibits them, or that a Parliament which ignores religion and says of it—what have we to do with thee?—should stop short of voting the whole for an education from which religion is wholly eradicated?

And the paper expatiated on the evils flowing from the withdrawal of state aid to religion by exhuming the old argument: 'The strong arm of the law; the policeman' would be in greater demand and 'a heavier expenditure by far would be found necessary for the preservation of order and peace'. The *Freeman's Journal*, just as worried, advised Catholics to watch closely the measures to be introduced into the Legislative Assembly.⁵⁷ Lang's turning 'man-Friday to Cowper',⁵⁸ his support for Robertson's bill, doubtless heightened the wary anxiety of the two denominations most concerned in the outcome of the state aid issue.

On 11 June 1862, Cowper presented his long-awaited and long-promised bill on state aid, a bill 'to prohibit future grants of public money in aid of public worship'. Neither Wilson nor Piddington saw any merit in the bill, the latter maintaining that, as present incumbents were to continue to receive their stipends

⁵⁶ 7 June 1862, ed.

⁵⁷ 4 June 1862, ed.

⁵⁸ Letter written by Forster. No date is given but it seems obvious that the letter was written about this time. Parkes Correspondence, F-G, A922, ML, p. 94. Lang had supported Wilson in the church and school lands issue in the previous session, see *SMH*, 13 November 1861, report, LA.

for their lifetime, it 'would leave the question open, as a social blister and a cause of bickering and animosity, for half a century to come'.⁵⁹ It was preliminary sparring between those who wanted to abolish all state aid and those who wanted to protect completely the existing stipends. The *Herald* offered friendly advice at the commencement of a controversy 'which will no doubt be loud and warm': all should see that their language remained restrained. Timely warning. Wilson's accusation that Catholic clergy secured signatures of boys for petitions upholding state aid was flatly contradicted by 'A Catholic Youth'.⁶⁰ Disagreement among Catholics on the issue flared. 'A Catholic' claimed that the great majority of laity, being Irish, opposed state aid because they did not want to lay foundations for such strife as existed in Ireland.⁶¹ With the challenging caption, 'Archbishop Polding versus the Catholic Church of Ireland', another Irishman agreed that those of his race, too well aware of the evils of state aid in their homeland, abhorred state aid and 'entertain[ed] a sovereign contempt for all jostlings amongst Churchmen for State precedence'.⁶² Provoked by attacks on state aid and Polding's support for it, the *Freeman's Journal* replied in an attempt to prove that the situation in New South Wales was totally different from that in Ireland.⁶³

Safely out of the colony's furore, Barker had, before his departure, placed his views on record and these Dean Cowper faithfully published: Barker merely remarked that the state had a duty to maintain the Church of England, that the evils of withdrawal of state aid could be seen on the gold-fields from which the Anglican clergy had retired through lack of financial support, and that he preferred not to see clergy dependent on their congregation.⁶⁴ Voller blazed back—a 'melancholy spectacle' indeed that clergy had to leave the gold-fields

⁵⁹ *Ibid.*, 12 June 1862, report, LA.

⁶⁰ *Ibid.*, 14 June 1862, letter.

⁶¹ *Ibid.*, 20 June 1862, letter.

⁶² *Ibid.*, 24 June 1862, letter 'F.X.B. A Catholic Irishman'. That this view was prevalent among Irish Catholics may be deduced from *FJ*'s energetic condemnation of those seeking to deviate from the course adopted by Polding. See *FJ*, 19 July 1862, ed. Butler, Catholic and Irish, had the same thoughts. See *ADB*, III, pp. 312-13.

⁶³ See, e.g., 28 May, 4 June 1862, ed.

⁶⁴ *SMH*, 2 July 1862. This was Barker's last charge, delivered on 19 February 1862, just before he left for England.

but by heaven there is something inconceivably more melancholy in beholding a Church professing to be the *Church of Christ* boasting of its numbers, its influence, and its principles, and as it may do of its wealth—already receiving many thousands annually from the treasury of the State—withdrawing from this clamant scene the ministry of life for the sake of a paltry £300 per annum.

He omitted neither a reference to Dean Cowper's sinecure nor to the money collected for a costly cathedral while stipends could not be found for the ordinary clergyman. Voller was active as well as vocal: he had quickly arranged a public meeting and was realistic enough to know that abolitionists would have to agree to respect the existing stipends.⁶⁵ At the meeting arranged by Voller, G. Eagar, member of the Legislative Assembly, spoke, approving the Church Act because it had, 'for the first time, established a financial equality between the then prominent sects'. Eagar proceeded to show how this financial equality no longer existed due to the increased number of denominations and to the injustice of the major part of state aid being appropriated for well populated areas.⁶⁶ A deputation from the public meeting waited on Cowper who received them with 'great courtesy' but observed that Bishop Tyrrell was willing to accept his bill.⁶⁷

As well as public meetings letters to the press on the issue became the fashion. The majority was opposed more to the existing system in New South Wales than to the state aid system in general but there was no unanimity as to the remedies. The most interesting and, without doubt, the most influential letter came from Tyrrell of Newcastle and the *Herald* printed it on 24 July 1862. Tyrrell wrote that the Church of England received one-half of the total government grants, about £14,000 a year, and only 72 out of their 121 clergy received stipends.

I would ask, is this just? From funds derived from the taxes paid in the whole 121 districts, seventy-two districts receive back on the average £253 a year for the support of their clergymen, while the other forty-nine districts receive nothing. And, to aggravate this injustice, most of the seventy-two districts have received grants of public money in aid of church buildings, and are the oldest and wealthiest districts of the colony.

⁶⁵ *Ibid.*, 1 July 1862, report of preliminary meeting arranged by Voller and held on 30 June.

⁶⁶ *Ibid.*, 9 July 1862, report of the meeting.

⁶⁷ *Ibid.*, 16 July 1862, article, 'Anti-State-Aid Deputation'.

(How far, it could be speculated, did inter-diocesan jealousy sway Anglican attitudes on this issue?) Tyrrell saw two defects in Cowper's bill; it left the existing 'unjust distribution in full force; and its *final* settlement is not an *immediate* settlement, but will linger on some fifty years before it is complete'.

Tyrrell urged those who shrank from giving up state aid, 'do not continue to grasp the shadow for the substance—to hug the dead corpse, as if the spirit had not fled'. The principle of state aid had been alive at the time of the Church Act.

But when the available funds to carry out that Act were exhausted, and the funds were not increased to meet the claims of an increasing population, the Act then became inoperative for want of funds, and the principle of State-aid became dormant, if not dead. This took place in the early part of 1848.

Since that year

the Church Act has only given an undue legal right to some ministers and districts, at the expense of a great moral wrong to others. And year by year the injustice of this unfair distribution of public money has gone on increasing, until it has become so great and glaring that a general outcry is raised against it. Surely this injustice cannot be defended, and should not be maintained, under the honoured name of principle.

Such admissions and such logical arguments from the senior bishop in the most powerful of the state-aided churches would have carried great weight. As the *Herald*, on 28 July 1862, commented in its editorial, 'A grosser case of injustice could not be presented than that shown in the letter of the BISHOP OF NEWCASTLE'.

The lack of rancour and of heat in the two major newspapers, the *Herald* and *Empire*, inevitably contributed not only to the absence of public display of bitterness and intolerance but also to the acceptance of Cowper's bill. The *Herald* expressed its dissatisfaction with the bill but was prepared to accept it to avoid continued dissension and possible political disruptions.⁶⁸ This seems to have been the general attitude in the legislature. The *Empire* touched deep currents. The underlying principle opposing state aid was seen even in the withdrawal of protective tariffs:

⁶⁸ 15 September 1862, ed., 'for the present the bill will change nothing; and nothing will be changed save by the hand of death'.

it is a distinguishing tendency of modern civilisation to leave to personal responsibility duties which the state cannot so well fulfil as those who are primarily answerable for their discharge . . . thus fostering, in regard to all the varied interests and duties of human life, the manly spirit of independence.

Affirmed the *Empire*, 'it is their [legislature's] sacred duty to withdraw all trammels of State interference from the solemn relations in which all men stand towards Truth and the God of Truth'.⁶⁹

The *Herald* thought along the lines of social changes:

Let it be borne in mind that, both in Ireland and Scotland, the great majority are dissenters from the establishments. Is it possible to suppose that population flowing in from countries where religious life is so developed, will consent to bear a system of exclusion, or that they will abandon their most settled convictions under any plan of State-aid whatever?

Concerned for political stability and progress, the *Herald* warned that 'the continuance of the agitation [on state aid] will throw into the radical party many men who sympathised with their programme in no point but this'. Colonial advancement in population and in general strength would finally and inevitably entail abolition because 'The great middle class in the towns and cities, who govern the Press and opinion, are as a class opposed to the continuance of State-aid'. The *Herald*

put it to any man of common sense, whether there is any chance of the Conservative party ever forming a solid organization of the middle class, while this question survives. We believe the Conservative party hold great political truths of vital consequence in the future organization of society. . . .

but the conservatives would abdicate the power they should naturally possess 'by allying themselves with a system in permanent antagonism to the grand idea of full religious equality and freedom'.⁷⁰

Equality and freedom. These were the catchwords. Attachment to the Church Act was but natural and just, conceded the *Empire*, because by it 'the colony was delivered from a system of exclusive ecclesiastical endowment', but its admirers 'overlook the truth that it was but a step—though a great and happy one—

⁶⁹ 26 May 1862, 2nd ed.

⁷⁰ 27 September 1862, ed.

towards a more equitable and beneficial settlement of the question'.⁷¹ Readily admitting that, at its passing, the Church Act had been 'a great triumph in the direction of religious liberty',⁷² the *Herald* realised that 'The change in the character and circumstances of the population makes it impossible to give efficacy to this Act'.⁷³ Through the *Herald* struggled the utopian dream of all men's recognition of their common brotherhood but more practical considerations were not ignored. If the Church Act were to be extended the cost to the state would not only be increasingly great but minorities, whose religious principles forbade their acceptance of state grants to religion, would still be unjustly forced to contribute to the support of other denominations.⁷⁴ Moreover, observed the *Empire*, 'no one can suppose that any such increase will be granted while the principle of voluntaryism is refused a fair and open trial'.⁷⁵ The religious papers naturally insisted that the voluntary system had no likelihood of success but statistics did not bear this out: in 1862 there were 354 clergy in New South Wales and of these only 146, 41.25 per cent, were paid by the state.⁷⁶ The churches were already working on a voluntary basis.

No thought of extending state aid was entertained. The real question had now become not whether state aid should be continued but how it should be stopped. For this reason Cowper, introducing his abolition bill for its second reading on 16 July 1862, took his time to outline the situation and to remind the assembly that the imperial government had rejected the Tasmanian bill to abolish state aid because it had not sufficiently guarded the interests of the clergy. In the series of debates the members reiterated the old arguments for and against state aid, Forster, Wilson, and Piddington leading the abolitionists. Forster was suspicious of Cowper's intentions. Since the government had power to distribute public money to certain sects so long as the Church Act existed then 'It was only when this Act and schedule C were repealed, that they would really have abolition of State-

⁷¹ 25 August 1862, ed.

⁷² 11 July 1862, 2nd ed.

⁷³ 27 September 1862, ed.

⁷⁴ *SMH*, 27 September 1862, ed. This latter point had been the cry of the Irish for centuries.

⁷⁵ 25 July 1862, ed.

⁷⁶ *Statistical Register of New South Wales for 1862*, p. 12.

aid'.⁷⁷ Wilson urged abolitionists to stand by their principles and vote against the bill which could be easily repealed but if schedule C, part of the Constitution Act, were repealed, it would be virtually impossible for state aid ever to be reintroduced. Cowper's bill passed the second reading by one vote with abolitionists Forster and Wilson voting against it because it did not go far enough.⁷⁸

Forster moved an amendment repealing schedule C and Cowper hesitated: 'the abolition was to be conditional; this . . . amendment would make it absolute, and then a quarrel would arise about the conditions' but, if the assembly wished, he would concede the amendment provided that the existing stipends would be secured for life to the clergy receiving them. Forster's amendment was negatived by one vote, Cowper voting against it together with twelve men who had voted against the second reading. This fluid voting illustrated that it was the method of abolition that was in question. Piddington moved another amendment: let the clergy receive the same amount of money but as pensions, not stipends. Cowper's reminder that the clergy could secure the money without performing duties was scarcely needed and Piddington's amendment was lost by 25 votes. The report of the committee was adopted by 27 votes to 25.⁷⁹ Alert to the atmosphere, Cowper moved for the recommittal of the bill before the third reading. His proposed amendment, virtually that of Forster, repealed both the Church Act (so far as it related to government aid to the churches) and schedule C.⁸⁰ Immediately the Catholic clergy begged to be heard by counsel at the bar of the house and the Anglicans followed suit. A. Gordon, speaking on behalf of certain members of the Church of England,⁸¹ pointed out that some existing vested interests would be affected by Cowper's amendment.⁸² Cowper's instincts, however, had been

⁷⁷ *SMH*, 18 July 1862, report, LA.

⁷⁸ *Ibid.*, 25 July 1862, report, LA.

⁷⁹ *Ibid.*, 14 August 1862, report, LA.

⁸⁰ *Ibid.*, 21 August 1862, report, LA.

⁸¹ From the report of the debate given in *SMH*, 28 August 1862, it seems that the Catholic clergy were content with Gordon's representation of the case as it embodied their own objections.

⁸² Gordon divided the interests into three groups:

'1. The interests of those individuals who classed themselves as trustees of churches and parsonages vested under the provisions of Sir Richard Bourke's Act.

accurate. The bill with the new amendment passed the third reading by thirteen votes.⁸³

The amendment was the stumbling block in the Legislative Council and Plunkett became a formidable opponent:

if this Magna Charta [Bourke's Act] was to be taken away, with nothing substituted, so that the colony would be left in the same state as in 1836, what would there be in this act to show that we had not an established Church?

The Church of England was still endowed with numerous glebes as no other church was and, even if the Church Act were abolished, 'we should still have one endowed Church; because the satisfactory equality established by Sir Richard Bourke's Act would thus be upset'. Plunkett called for a parliamentary dissolution and elections.⁸⁴ Deas Thomson spoke of broken compacts. He pointed to the petitions received by the legislature: 95 petitions with 14,776 signatures against the bill had been presented to the assembly while only 58 petitions with 9,602 signatures had favoured the bill; the council had received 61 petitions with 9,696 signatures against the bill and 5 petitions with 955 signatures in favour of it.⁸⁵ With direct common sense E. Butler cut through the indignant flurry of outraged conservatives. If a compact had existed with the public, the legislature had power to deal with it, if with the clergy, then it was not being broken as existing stipends were to continue. Plunkett had spoken eloquently of an infidel country if state aid were withdrawn—in that case, why had he not long ago called attention to the interior, undoubtedly lacking in state aid? Political turmoil and strife would be inevitable results if the existing state aid were either to be divided among all denominations or increased.⁸⁶

Plunkett and Manning both strove to postpone the bill for six

2. The interests of those who contributed towards the erection of those churches and parsonages and the congregations (represented by the trustees) who enjoyed the observances of public worship intended to be secured by that Act.

3. The interests of the ministers of the churches so erected under the same provisions, and who were in the receipt of stipends granted under the Act'.

⁸³ *SMH*, 28 August 1862, report, LA. The voting was 32:19.

⁸⁴ *Ibid.*, 17 September 1862, report, LC.

⁸⁵ *Empire*, 25 September 1862, report, LC.

⁸⁶ *Ibid.*, 2 October 1862, report, LC. The 2nd reading of the bill had been passed by 10 votes to 9.

months but the bill was returned to the Legislative Assembly at the end of October. With what was possibly a token resistance, the assembly accepted the amended bill with the exception of the new clause dealing with the church and school lands.⁸⁷ When the Legislative Council agreed to this rejection Sir John Young forwarded the bill for royal assent on 21 January 1863.⁸⁸

In his prorogation speech, Young summed up the reaction of most New South Welshmen to the final settlement of 'this interesting Controversy':⁸⁹

The question of State Aid to Religion has for years been the subject of much irritation; and should the Bill for prohibiting future Grants for Public Worship receive the assent of Her Majesty, I trust that the equitable settlement of this difficult question will put an end to religious agitation, which is always injurious to the social happiness of a community.⁹⁰

The issue, as Young ruefully admitted, had been a difficult one for a long period. In the final years the difficulty lay not so much in the question of whether state aid for public worship ought to be abolished. The trend towards abolition had steadily strengthened and by 1858 there were few who could not see the writing on the wall. The difficulty lay more in determining the method by which state aid would be abolished. It was in the solution of this problem that politicians manoeuvred to woo supporters. In the wider question of state aid itself individuals and groups played minor roles. Forces with their origins deep in the history of the colony had gradually moulded the desires of men for the kind of society they wished to form in a new land. These desires were far beyond direct human control.

Throughout the debates involving the state aid issue percolated attitudes heavily reminiscent of ideals embodied in Bourke's despatch of some thirty years previously. Beneath the emotional heat and what was often a concentration on minutiae stirred the

⁸⁷ In its message to the council, the assembly wrote that the new clause had been dropped. 'Because there is another Bill now before Parliament dealing with the Church and School Estates; and any legislation respecting those Estates should form part of that enactment, and ought not to be included in this Act'. *JLC*, 1862, IX, pt 1, 12 November, p. 137.

⁸⁸ The bill was finally adopted by 11 votes to 8. See *SMH*, 4 December 1862, report, LC.

⁸⁹ Young's comment in his despatch, CO 201/526.

⁹⁰ *JLC*, 1862, IX, pt 1, 20 December, p. 189.

same desire for the government to act as a cohesive agent for a sprawling heterogeneous population by dealing impartially with all groups in all political and social spheres. A hunger for justice and equality was an inherent strain in the new Australians. Present, too, was the articulate plan for unity, a 'social happiness', among the peoples. The wheel, it would seem, had turned full cycle. But where Bourke had once relied on a state-financed religion to act as the main instrument in the formation of a community, the colonists, with the history of the thirty year old experiment behind them, opted in 1862 for the rejection of Bourke's instrument—as such. That they themselves were able to do so with little fear of dire social consequences was proof that the Church Act had indeed largely fulfilled Bourke's purposes. The Church Act of 1836 had been the active recognition of religion as a positive and progressive social force. The Act of 1862 was neither the acceptance nor the rejection of this view. Like the Church Act it was more significant as a symbol than as an economic measure. Both Acts were state gestures of justice and equality to all denominations, state acknowledgments that religion must be left unhampered by man-made laws to permeate society. Social factors determined the difference in means.

Bibliography

I OFFICIAL MATERIAL

- Acts and Ordinances of the Governor and Council of New South Wales, 1832-1837*, II, pt 2, Sydney.
- Cary, H. (ed.), *A Collection of Statutes affecting New South Wales*, vol. 1, Sydney, 1861.
- Census of the Colony of New South Wales, taken on 7 April 1861, under Act 24 Victoria, no. 5*, Sydney, 1862.
- Colonial Papers: Australian Constitution, 1849-55, bound papers, NL.
- Colonial Office Microfilms: 201/492; 201/493; 201/499; 201/517; 201/518; 201/519; 201/525; 201/526; 201/535; 854/3; 854/6.
- Correspondence and Papers relating to Australia, A1639, ML.
- Despatches to the Governor of New South Wales, A1212; A1216; A1233; A1267; A1267.17; A1267.19; A1267.22; A1267.23; A1272-5; A1278; A1281-3; A1294; A1297.
- The Financial Statements of the Colonial Treasurer of New South Wales*, vol. 1, Sydney, 1892.
- Great Britain: Parliamentary Papers. Australia, Constitutional, I, bound papers, NL.
- Great Britain: Parliamentary Papers. Ecclesiastical Affairs of Colony, bound papers, NL.
- Hansard's Parliamentary Debates*, 3rd series, vols. LXIII-LXV; CVIII-CXIII; CXVIII-CXXII; CXXIX.
- Historical Records of Australia*, series I, vols. XVII-XXVI.
- House of Commons Papers: Public Bills*, vol. I, 1852.
- Minutes of the Executive Council, New South Wales, 4/1520; 4/1522-3; 4/1528; 4/1541, NSWA.
- New South Wales Government Gazette*, 1836.
- New South Wales Journal of the Legislative Council*, 1856-63.
- New South Wales Votes and Proceedings of the Legislative Assembly*, 1856-63.
- New South Wales Votes and Proceedings of the Legislative Council*, 1824-55.
- Official Correspondence of the Colonial Secretary: Clerical Correspondence, 4/3617-8, NSWA.
- Official History of New South Wales, 1788-1883*, Sydney, 1883.
- Papers: New South Wales, 1812-63, A668, ML.

- Papers transferred from the Attorney-General's Department, 7/2699, NSWA.
- Public General Statutes of New South Wales from 5th Geo. IV. to 8th Will. IV. inclusive, 1824-37*, Sydney, 1861.
- Public General Statutes of New South Wales from 1 Victoriae to 10 Victoriae, inclusive*, Sydney, 1861.
- Public General Statutes of New South Wales from 16 Victoriae to 25 Victoriae, inclusive, 1852-1862*, Sydney, 1862.
- State Aid to Religion, Part I, 1833-51, 4778.2; Part II, 1852-63, 4779.1, NSWA.
- Statistical Register of New South Wales for 1861*, Sydney, 1862.
- Statistical Register of New South Wales for 1862*, Sydney, 1863.
- Statutes of the United Kingdom of Great Britain and Ireland, 5 and 6 Victoriae, 1842*, vol. LXXXII, London, 1842.
- Transcripts of Missing Despatches from the Governors of New South Wales, A1267.7 and A1267.8, ML.

II MANUSCRIPTS

- Baptist Church, Minute Book, 1836-54, Bathurst Street, Sydney, Baptist Church, 619 George Street, Sydney.
- Barker, Mrs J., Letters, MS455, ML.
- Benedictine Order, Benedictine Journal, 1840-62, SAA.
- Bonwick Transcripts, Box 54, BT54, ML.
- Bourke, Sir R., Bourke Papers: Letters to Lord Monteaigle from various persons, 1828-60, A1736, ML.
- , Holograph letter to Broughton from Bourke, Ab 29/6b, ML.
- Broughton, W. G., Broughton Papers, G244, G245, NL.
- , Broughton Papers, 1824-98, MSS913, ML.
- , Broughton's Letters, MS1731, NL.
- , Correspondence of Rev. W. G. Broughton and his wife, B1612, ML.
- , Letters from Broughton to Bourke, Ab 29/6a, ML.
- Cahill, Sister John, 1847 letter to Bishop Murray, 1847 letter to Mother Mary Aikenhead, Archives of the Sisters of Charity, Potts Point.
- Church of England, Church of England Constitution: Minutes and Correspondence, 1852, A2110, ML.
- , Church of England Register Book: Acts and Proceedings, 1836-1852, 2 vols., Diocesan Registry, Sydney.
- Clarke, W. B., The King and the Metropolitan, Ac 63/5, ML.
- Congregational Church, Independent Chapel, Pitt Street, Sydney: Church Book, May 1833 to May 1838, Congregational Church, 260 Pitt Street, Sydney.
- , Minutes of Independent Chapel, Pitt Street, Sydney, 1840-62, Congregational Church, 260 Pitt Street, Sydney.
- , Minutes of Meetings of Committee of the Congregational

- Missionary Society for New South Wales, 1849-62, uncatalogued, 1301/1, ML.
- Deas Thomson, E., Papers, A1531-4, ML.
- de Lacy, Sister Baptist, 1859 letter to Mother Francis Magdalen McCarthy, Archives of the Sisters of Charity, Potts Point.
- Donaldson Ministry, Letters, A731, ML.
- Duncan, W. A., Autobiography, A2877, ML.
- , Diary, A2879, ML.
- FitzPatrick, J., Letters to Bishop J. Goold during 1858 and 1859, SPA, Melbourne.
- Geoghegan, P. B., Letters to Bishop J. Goold during 1849, SPA, Melbourne.
- Goold, J., Diary, 1850-4, SPA, Melbourne.
- , Hassall Correspondence, vol. 2, A1677, ML.
- Houison, A., The Story of the Introduction of Christianity into Australia, B334, ML.
- Hynes, J. T., Letters to Bishop J. Goold from 1855 to 1859, SPA, Melbourne.
- Kemp, Charles, Diary, A2063, ML.
- Lang, J. D., Papers, vol. 2, A2222; vol. 6, A2226; vol. 8, A2228; vol. 9, A2229, ML.
- Macarthur, Macarthur Papers, vol. 24, A2920; vol. 28, A2924; vol. 29, A2925; vol. 32, A2928; vol. 34, A2930; vol. 38, A2934; vol. 41, A2937; vol. 99, A2995, ML.
- McEncroc, J., Papers, SAA.
- McGarvie, J., Diary, 1843-7, A2062, ML.
- , Early Letters of Rev. J. McGarvie and Rev. J. McClelland, 1833-59, C41, PHRL.
- Moore, J. Sheridan, Papers, Am38, ML.
- Parkes, Henry, Correspondence, vol. 6, A876; D-E, A921; F-G, A922; vol. 45, A2920, ML.
- Polding, J. B., Papers and letters, SAA.
- Presbyterian Church, Books or documents, C14, PHRL.
- , Minute Book of the Synod of Eastern Australia, 1846-65, D15, PHRL.
- , Minutes of the Synod of New South Wales, A2630, ML.
- , Presbytery of Sydney Minute Book (Synod of Australia), PHRL.
- , Proceedings of the Presbytery of New South Wales in October and November 1836, B25, PHRL.
- Saunders, J., Letter Book, 1834-56, B1106, ML.
- , Selwyn Papers, A736 and A737, ML.
- Sisters of Charity, Annals of the Sisters of Charity in Australia, 1838-82, compiled by Sister Mary Teresa Roper in 1917 (these Annals largely consist of copies of original documents and letters), Archives of the Sisters of Charity, Potts Point.
- Stiles, H. T., Papers, A269, ML.

- Synagogue, Sydney Synagogue Letter Book, Synagogue, Elizabeth Street, Sydney.
- , Sydney Synagogue Minutes, 1837-47, Synagogue, Elizabeth Street, Sydney.
- , Sydney Synagogue Minute Book, 1852-8, Synagogue, Elizabeth Street, Sydney.
- Watkin, J., Journal, 1840-82, A835, ML.
- Wesleyan Church, Australian General Conference: First Minute Book, 1855-88, A2808, ML.
- , Australian Wesleyan Methodist Conference: Letter Book commencing 1856, Methodist Church 584, ML.
- , Wesleyan Methodist Missionary Society: Australian District Minutes, 1839-45, A2806, ML.
- , Wesleyan Methodist Missionary Society: Australian District Minutes, 1846-54, Methodist Church 586, ML.
- Wilson, R. W., Letters to Bishop J. Goold from 1851 to 1861, SPA, Melbourne.

III ALMANACS AND PAMPHLETS

ALMANACS

- Catholic Almanac*, 1854, 1861, 1862.
- Tegg's New South Wales Almanac and Remembrancer for 1837.*
- Tegg's New South Wales Almanac and Remembrancer for 1839.*
- Ford's Australian Almanac*, 1850-4.
- Waugh and Cox's Australian Almanac*, 1855.
- Moore's Almanac and Hand Book for New South Wales for the Year 1856.*
- J. Cox and Co.'s Australian Almanac*, 1857.
- Waugh's Australian Almanac*, 1858-63.

PAMPHLETS

- Abolition of State Support for Religion in Presbyterian Church Circulars*, Sydney, n.d.
- An Account of the Diocese of Newcastle, New South Wales, during the last Five Years; with an Appeal for Further Aid*, London, 1853.
- The Church of England and the Sydney University*, Sydney, 1852.
- Financial Report of the Deacons' Court of the Free Church Congregation, Macquarie Street, Sydney*, Sydney, 1858.
- Financial Report of the Deacons' Court of the Free Church Congregation, Macquarie Street, Sydney*, Sydney, 1859.
- The First Annual Report of the New South Wales Wesleyan Methodist Church Sustentation and Extension Society*, 1859, Sydney, n.d.
- Report of the Church of England Lay Association for New South Wales, 1844-5*, Sydney, 1846.
- Report of the Inauguration of the Catholic Association*, Sydney, 1853.

- Report of the Intercolonial Conference held in Pitt Street Church, Sydney, May 15-23, 1883, to Celebrate the Jubilee of the Introduction of Congregationalism to Australia*, Sydney, n.d.
- Report of the Sydney Diocesan Society for 1853*, Sydney, 1854.
- The Seventeenth Report of the Auxiliary Wesleyan Missionary Society of New South Wales, 1837*, Sydney, 1838.
- Should State Aid be Abolished?*, Sydney, 1860.
- A'Beckett, T. T., *A Defence of State Aid to Religion*, Melbourne, 1856.
- Bailey, Henry, *Bishop Broughton of Australia*, London, n.d.
- Barker, F. W., *A Charge Delivered to the Clergy of the Diocese of Sydney, November 23rd, 1858, at the Primary Visitation of Frederic Barker, D.D.*, Sydney, 1859.
- , *A Charge Delivered by Frederic, Bishop of Sydney, and Metropolitan of Australia, at his Primary Metropolitan Visitation of the Diocese of Tasmania, Adelaide, Melbourne, and Newcastle, 1860*, Sydney, 1860.
- , *A Charge Delivered to the Clergy of the Diocese of Sydney at the Second Triennial Visitation of Frederic, Bishop of Sydney, and Metropolitan of Australia, February 19, 1862*, Sydney, 1862.
- , *A Statement of Facts in Answer to the Letter of the Reverend P. P. Agnew, Containing his Reasons for Withdrawing from the Church of England in New South Wales*, Sydney, 1865.
- Black, A., *The Ministry of the Gospel in the Districts of Murrurundi and Scone, 1851-54*, Sydney, 1854.
- Broughton, W. G., *A Charge Delivered to the Clergy of New South Wales at the Visitation, February 13, 1834, in the Church of St. James*, Sydney, 1834.
- , *A Charge Delivered to the Clergy of New South Wales in the Diocese of Australia at the Visitation held in the Church of St. James*, Sydney, 1841.
- , *A Charge to the Clergy of the Diocese of Australia, May, 1844, Triennial Visitation*, Sydney, 1844.
- , *A Charge to the Reverend the Clergy of the United Church of England and Ireland within the Diocese of Australia, 1841*, Sydney, 1841.
- , *A Charge to the Reverend the Clergy of the United Church of England and Ireland within the Diocese of Australia, 1847*, Sydney, 1847.
- , *The Church in Australia: Two Journals of Visitation to the Northern and Southern Portions of his Diocese*, London, 1846, 3rd ed.
- Buchanan, C., *Colonial Ecclesiastical Establishment: Being a Brief View of the State of the Colonies of Great Britain and of her Asiatic Empire in Respect to Religious Instruction*, London, 1813, 2nd ed.
- Buchanan, David, *Freethought: The Divine Character of Jesus of Nazareth*, Sydney, n.d.

- Cairns, Doctor, *A Lecture on the Mutual Relations and Duties of Church and State*, Melbourne, 1856.
- Cameron, J., *History of Negotiations Anent Union between the Synod of Eastern Australia and the Synod of Australia in Connection with the Established Church of Scotland*, Maitland, 1855.
- Carmichael, A., *Introductory Lecture Delivered at the Opening of the Twelfth Session of the Sydney Mechanics' School of Arts*, Sydney, 1844.
- Colwell, J., *The Church Sustentation and Extension Society*, n.d.
- Davies, R. R., 'The Offertory', *Not an Innovation*, Launceston, 1845.
- Duncan, W. A., *An Appeal from the Unjust Decision of the Very Rev. Vicar General Murphy to His Grace the Archbishop of Sydney*, 1843.
- , *Lecture on National Education*, Brisbane, 1850.
- , *A Letter to the Lord Bishop of Australia Containing Remarks upon His Lordship's Protest Against the Metropolitan and Episcopal Jurisdiction of His Grace the Archbishop of Sydney*, Sydney, 1843.
- , *Do Catholic Bishops Swear to Persecute Protestants? Answered in a Series of Letters between Rev. Barry and Icolmkill*, Sydney, 1867.
- Ewing, T. C., *The Voluntary System Exposed: and Civil Establishments of Religion Justified*, Sydney, n.d.
- Harper, A., *Australia Without God . . . An Appeal to the Churches of Australia to Secure an Acknowledgement of God in the Australian Constitution*, Melbourne, 1897.
- Hessel, W., *A Letter to the Editor of the Sydney Morning Herald in Reply to his Recent Attack upon the Methodist District Committee and Wesleyan Record on the Subject of State-Aid*, Sydney, n.d.
- Higlett, William, *Early Australian Baptist History*, Sydney, 1926.
- Holt, T., *Two Speeches on the Subject of Education in New South Wales Delivered in the Legislative Assembly at Sydney, on the 2nd and 12th December, 1856*, Sydney, 1857.
- Jarrett, W., *A Sermon Preached in the Independent Chapel, Pitt Street, Sydney*, Sydney, 1838.
- Lang, J. D., *Brief Sketch of my Parliamentary Life and Times. From 1st August 1843, till the Late Dissolution of Parliament*, Sydney, 1870.
- , *Three Lectures on the Impolicy and Injustice of Religious Establishments on the Granting of Money for the Support of Religion from the Public Treasury in the Australian Colonies*, Sydney, 1856.
- , *Freedom and Independence for the Golden Land of Australia*, London, 1852.
- , *New Zealand in 1839: or Four Letters to the Right Hon. Earl Durham on the Colonization of that Island and on the Present Condition and Prospects of the Native Inhabitants*, London, 1839.

- , *Pastoral Address to the Congregation of the Scots Church and to Presbyterians Generally in Sydney and its Vicinity*, 1.4.45, Sydney, n.d.
- , *Popery in Australia and the Southern Hemisphere and How to Check it Effectually*, Edinburgh, 1847.
- , *Repeal or Revolution, or a Glimpse of the Irish Future in a Letter to the Right Honorable Lord John Russell*, London, 1848.
- Law, W., *An Address on the New Testament Doctrine of Church Support*, Launceston, 1855.
- McIntyre, W., *Union of the Presbyterian Church of Eastern Australia with the Synod of Australia in Connexion with the Established Church of Scotland in Erecting a Presbyterian College Within the University of Sydney*, Sydney, 1857.
- , *Narrative of the Disruption of the Presbyterian Church in New South Wales*, West Maitland, 1859.
- Maitland, Edward, *The Meaning of the Age. A Farewell Lecture Delivered at the School of Arts, Sydney, January 9, 1858*, Brighton, 1858.
- Merewether, F. L. S., *Reminiscences of the University of Sydney*, no imprint.
- Miller, F., *An Address Delivered Before the Conference of Congregational Ministers and Delegates, New South Wales, Victoria, South Australia and Tasmania, in Sydney During Week Commencing February 15, 1857*, Sydney, 1857.
- Nemo, Sir William Denison and Education, 1855, Sydney, 1855.
- Presbyter of the Church of England, *The Unpopularity of Modern Episcopacy and some of its Causes. Considered with Reference to the Anglican Church in New South Wales in a Letter to the Lord Bishop of Sydney*, Sydney, n.d.
- Russell, F. T. C., *Statement by the Rev. F. T. C. Russell, B.A., of St. Mark's, Alexandria, with the Documents in Confirmation Furnished to his Parishioners and Congregation*, Sydney, 1849.
- Sconce, R. K., *Reasons for Submitting to the Catholic Church*, Sydney, 1848.
- Stow, T. Q., *Congregationalism in the Colonies*, Sydney, 1855.
- Therry, R., *An Appeal on Behalf of Roman Catholics of New South Wales to Edward Blount, Esquire . . . Occasioned by Letters Addressed to him by Captain Sir Edward Parry, Knight, R.N., and the Venerable Archdeacon Broughton*, Sydney, 1833.
- Ullathorne, W. B., *The Catholic Mission in Australia*, Liverpool, 1837.
- Voller, James, *The National Duty of Christian States: a Letter to the Reverend James Fullerton on a Published Sermon Preached by him on the Above Named Subject*, 17.2.56, Sydney, 1856.
- West, J., *The Voluntary Support of the Christian Ministry alone Scriptural and Defensible*, Hobart Town, 1849.
- Woolley, J., *The Office of Christian Associations towards the State and the Church, Lecture before Y.M.C.A., June, 1855*, Sydney, n.d.

Wyatt, R. T., *The Southern Visitations of Bishop Broughton*, Goulburn, n.d.

IV NEWSPAPERS AND MAGAZINES

- Atlas*, 1844-8.
Australasian Chronicle, 1839-48. (*Australasian Chronicle*, 1839-43;
Morning Chronicle, 1843-5; *Sydney Chronicle*, 1845-8.)
Australian, 1836-48.
Braidwood Observer and Miner's Advocate, 1859-62.
Centennial Magazine, 1888-9.
Christian Advocate and Wesleyan Record, 1858-61.
Christian Pleader, 1859-62.
Church of England Chronicle, 1856-63.
Church Sentinel, 1858-9.
Citizen, 1846-7.
Colonial Observer, 1841-4.
Colonist, 1836-8.
Empire, 1850-63.
Freeman's Journal, 1850-63.
Gleaner, 1847-8.
Maitland Mercury, 1850, 1855, 1857.
People's Advocate, 1848-56.
Presbyterian Magazine, 1862.
Southern Cross, 1859-60.
Southern Queen, 1845.
Star and the Working Man's Guardian, 1844-5.
Sydney Gazette, 1836-7.
Sydney Guardian, 1848-50.
Sydney Morning Herald, 1836-63.
Sydney Standard and Colonial Advocate, 1839.
Voice in the Wilderness, 1846-51.
Weekly Register of Politics, Facts and General Literature, 1843-5.

V OTHER WORKS

- Atkins, T., *The Wanderings of the Clerical Ulysses*, Greenwich, 1859.
 Austin, A. G., *Australian Education, 1788-1900*, Melbourne, 1961.
 Backhouse, J., *A Narrative of a Visit to the Australian Colonies*, London, 1843.
 Baker, D. W. A., *The Origins of the Robertson Land Acts*, M.A., 1955, ANU.
 Barber, P., 'Australian Methodist Biographies and Autobiographies', *Journal and Proceedings of the Australasian Methodist Historical Society*, no. 48.
 Barder, H. W. A., *Wherein Thine Honour Dwells*, Sydney, 1948.

- Barrett, John, *Church, State and People in Eastern Australia, 1835-1850*, Ph.D., 1963, ANU.
- , 'The Gipps-Broughton Alliance, 1844', *Historical Studies: Australia and New Zealand*, XI, no. 41.
- , *That Better Country*, Melbourne, 1966.
- Barton, G. B. (ed.), *The Poets and Prose Writers of New South Wales*, Sydney, 1866.
- Birt, Henry Norbet, *Benedictine Pioneers in Australia*, London, 1911, 2 vols.
- Blackton, C. B., 'Australian Nationality and Nationalism, 1850-1900', *Historical Studies: Australia and New Zealand*, IX, no. 36.
- Bonwick, J., *Curious Facts of Old Colonial Days*, London, 1870.
- Boodle, R. G., *Life and Labours of Right Reverend William Tyrrell*, London, 1881.
- Border, Ross, *Church and State in Australia, 1788-1872*, London, 1962.
- Bourke, P. F., 'Some Recent Essays in Australian Intellectual History', *Historical Studies: Australia and New Zealand*, XIII, no. 49.
- Braim, Thomas H., *A History of New South Wales from its Settlement to the Close of the Year 1844*, London, 1846, 2 vols.
- Buchanan, David, *Political Portraits of Some of the Members of the Parliament of New South Wales*, Sydney, 1863.
- Burton, H., *The Peopling of Australia*, Melbourne, 1933.
- Burton, W. W., *The State of Religion and Education in New South Wales*, London, 1840.
- A Bushman, *A Voice from the Far Interior of Australia*, London, 1847.
- , *How to Settle and Succeed in Australia: Comprising every Information for Intending Emigrants*, London, 1848.
- , *Classified Digest of Records of the Society for the Propagation of the Gospel in Foreign Parts, 1701-1892*, London, 1893.
- Butler, C., *The Life and Times of Bishop Ullathorne, 1806-89*, London, 1926, 2 vols.
- Cable, K. J., *The Church of England in New South Wales and its Policy toward Education prior to 1880*, M.A., 1952, Sydney University.
- , 'Protestant Problems in New South Wales in Mid-Nineteenth Century', *Journal of Religious History*, III, pt 2.
- , 'Religious Controversies in New South Wales in Mid-Nineteenth Century: Aspects of Anglicanism', *Journal and Proceedings of the Royal Australian Historical Society*, XLIX, pt 1.
- , 'Religious Controversies in New South Wales in Mid-Nineteenth Century: The Dissenting Sects and Education', *Journal and Proceedings of the Royal Australian Historical Society*, XLIX, pt 2.
- , 'St. James' Church, King Street, Sydney, 1819-1894', *Journal and Proceedings of the Royal Australian Historical Society*, L, pts 4 and 5.

- , Review article on *That Better Country*, *Journal and Proceedings of the Royal Australian Historical Society*, LIII, pt 4.
- , 'The University of Sydney and its Affiliated Colleges, 1850-1880', *The Australian University*, II, no. 3.
- Cameron, James, *Centenary History of the Presbyterian Church in New South Wales*, Sydney, 1905.
- Campbell, K., John Dunmore Lang, Presbyterianism and Tertiary Education in New South Wales, 1831-75, M.A., 1967, University of New South Wales.
- Carruthers, J. E., A Half-Century's Retrospect. Newspaper extracts.
- , *Fathers and Founders: Pen Portraits of Some of the Early Preachers and Worthies of Australian Methodism*, 1923, typed, unpublished.
- Clark, C. M. H., *Select Documents in Australian History, 1788-1850*, Sydney, 1962.
- , *Select Documents in Australian History, 1851-1900*, Sydney, 1962.
- , *Sources of Australian History*, London, 1960.
- , *A History of Australia*, vol. 2, London, 1968.
- , 'The Origins of the Convicts transported to Eastern Australia, 1787-1852', *Historical Studies: Australia and New Zealand*, VII, nos. 26 and 27.
- Clark, G. Kitson, *The Making of Victorian England*, London, 1962.
- Cleary, P. S., *Australia's Debt to Irish Nation-Builders*, Sydney, 1933.
- A Clergyman, *Australia as it is*, London, 1867.
- Coghlan, T. A., *Labour and Industry in Australia*, Oxford, 1918, 2 vols.
- Colwell, J., *The Illustrated History of Methodism*, Sydney, 1904.
- Cowper, W. M., *Autobiography and Reminiscences of William Macquarie Cowper*, Sydney, 1902.
- , *Episcopate of the Right Reverend Frederic Barker, D.D.*, London, 1888.
- Cross, F. L. C. (ed.), *Oxford Dictionary of the Christian Church*, London, 1957.
- Cullen, J. H., *The Australian Daughters of Mary Aikenhead*, Sydney, 1938.
- , 'Bishop Willson', *The Australasian Catholic Record*, from XXVI, no. 4 to XXXI, no. 1.
- Dallen, R. A., 'Early Days of the University of Sydney', *Journal and Proceedings of the Royal Australian Historical Society*, XII, pt 5.
- Daly, R. A., 'The Founding of St. John's College', *The Australasian Catholic Record*, XXXV, pt 4.
- Denison, Sir William, *Varieties of Vice-Regal Life*, London, 1870, 2 vols.
- Doyle, F. M., The Political Career of Sir James Martin, B.A. Honours, 1949, Sydney University.

- Duncan, W. A., Notes of a Ten Years' Residence in New South Wales. Pages extracted from *Hogg's Instructor*, 1849.
- Dunstan, Sister M., 'The Sisters of Charity in Australia', *Journal of the Australian Catholic Historical Society*, I, pt 1.
- Dyster, B., 'The Fate of Colonial Conservatism on the Eve of Gold-Rush', *Journal and Proceedings of the Royal Australian Historical Society*, LIV, pt 4.
- Elford, K., 'The Theology of Clerical Participation: John Dunmore Lang and Direct Clerical Representation in Politics', *Journal of Religious History*, V, no. 3.
- Elkin, A. P., *The Diocese of Newcastle*, Sydney, 1955.
- Ferguson, J. A., *Bibliography of Australia*, London. Vol. 2, 1831-38, 1945; vol. 3, 1839-45, 1951; vol. 4, 1846-50, 1955; vol. 5, 1851-1900, A-G, 1963; vol. 6, 1851-1900, H-P, 1965.
- Flanagan, R., *The History of New South Wales*, London, 1862, 2 vols.
- Fogarty, R., *Catholic Education in Australia, 1806-1950*, Melbourne, 1959, 2 vols.
- Forrest, Jan, 'Political Divisions in the New South Wales Legislative Council, 1847-53', *Journal and Proceedings of the Royal Australian Historical Society*, L, pt 6.
- Forster, M., 'Lyndhurst and Benedictine Education', *The Australasian Catholic Record*, from XXIII, no. 4 to XXIV, no. 3.
- Getzler, I., Neither Toleration nor Favour: Struggle of Jewish Communities in Australian Colonies for Equal Religious Rights in the 1840s and 1850s, M.A., 1960, Melbourne University.
- Gibney, H. J. and Burns, N., *A Biographers' Index of Parliamentary Returns (New South Wales, Queensland and Victoria) 1850-1889*, Canberra, 1969.
- Gilchrist, A. (ed.), *John Dunmore Lang: an Assembling of Contemporary Documents*, Melbourne, 1951.
- Giles, R. A., *Constitutional History of the Australian Church*, London, 1929.
- Gladstone, W. E., *The State in its Relations with the Church*, London, 1839.
- Greenwood, G. (ed.), *Australia: A Social and Political History*, Sydney, 1955.
- Gregory, J. S., 'Church and State and Education in Victoria to 1872', *Melbourne Studies in Education*, 1958-9, Melbourne, 1960.
- Grose, K., '1847: The Educational Compromise of the Lord Bishop of Australia', *Journal of Religious History*, I, no. 4.
- Halcombe, J. J., *The Emigrant and the Heathen*, London, n.d. (c. 1870).
- Halévy, Elie (transl. E. I. Watkin), *A History of the English People in the Nineteenth Century*, London, 1949, 2nd rev. ed., vols. 1-4.
- Hancock, W. K., *Australia*, Melbourne, 1961.
- Hassall, J. S., *In Old Australia*, Brisbane, 1902.
- Heaton, J. H., *Australian Dictionary of Dates and Men of the Time:*

- Containing the History of Australasia from 1542 to date*, Sydney, 1879.
- Hodgson, C. P., *Reminiscences of Australia with Hints on the Squatter's Life*, London, 1846.
- Hogan, J. F., *The Irish in Australia*, London, 1887.
- Hosie, J., 'The Marist Fathers in Australia: the First Ten Years', *Journal of the Australian Catholic Historical Society*, II, pt 3.
- Howitt, W., *Land, Labour and Gold*, Boston, 1855, 2 vols.
- Hume, L. J., 'Working Class Movements in Sydney and Melbourne before the Gold Rushes', *Historical Studies: Australia and New Zealand*, IX, no. 35.
- Inglis, K. S., 'Catholic Historiography in Australia', *Historical Studies: Australia and New Zealand*, VIII, no. 31.
- , 'Patterns of Religious Worship in 1851', *Journal of Ecclesiastical History*, XI.
- , *Churches and the Working Classes in Victorian England*, London, 1963.
- Irving, T. H., *The Development of Liberal Politics in New South Wales, 1845-1855*, Ph.D., 1967, Sydney University.
- Jobson, F. J., *Australia: with Notes by the Way*, London, 1862.
- Johns, F., *An Australian Biographical Dictionary*, Melbourne, 1934.
- Jones, H. Berkeley, *Adventures in Australia in 1852 and 1853*, London, 1853.
- Keenan, I., 'The History of the Institute', *The Christian Brothers' Educational Record*, Dublin, 1961 and 1962.
- Kenny, J., *A History of the Commencement and Progress of Catholicity in Australia to 1840*, Sydney, 1886.
- Kiddle, M., *Caroline Chisholm*, Melbourne, 1950.
- Kiernan, T. J., *The Irish Exiles in Australia*, Melbourne, 1954.
- King, Hazel, *Richard Bourke*, Melbourne, 1963.
- Knight, Ruth, *Illiberal Liberal*, Melbourne, 1966.
- Lancelott, F., *Australia as It Is: Its Settlements, Farms and Goldfields*, London, 1852, 2 vols.
- Lang, J. D., *An Historical and Statistical Account of New South Wales*, London, 1852, 3rd ed., 2 vols.
- Liesching, S., *Church and State in Australia: The Background and Implications of Separation*, M.A., 1953, ANU.
- Loveday, P., *The Development of Parliamentary Government in New South Wales, 1856-1870*, Ph.D., 1962, Sydney University.
- , 'The Legislative Council in New South Wales, 1856-70', *Historical Studies: Australia and New Zealand*, XI, no. 44.
- and Martin, A. W., *Parliament, Factions and Parties: The First Thirty Years of Responsible Government in New South Wales, 1856-89*, Melbourne, 1966.
- Macarthur, James, *New South Wales, Its Present State and Future Prospects*, London, 1837.
- McCulloch, G. C., 'The Strange Outburst of James Stephen', *Journal*

- and *Proceedings of the Royal Australian Historical Society*, XLV, pt 1.
- McGovern, J. J., 'John Bede Polding', *The Australasian Catholic Record*, from XI, no. 3 to XVI, no. 1.
- Macmillan, D. S., 'The University of Sydney—The Pattern and the Public Reaction, 1850-1870', *The Australian University*, I, no. 1.
- Madgwick, R. B., *Immigration into Eastern Australia*, London, 1937.
- Mann, W., *Six Years' Residence in the Australian Provinces ending in 1839*, London, 1839.
- Mansfield, Ralph, *Analytical View of the Census of New South Wales for the Year 1841*, Sydney, 1841.
- , *Analytical View of the Census of New South Wales for the Year 1846*, Sydney, 1847.
- Martin, A. W., 'Henry Parkes: Man and Politician', *Melbourne Studies in Education*, 1960-61, Melbourne, 1962.
- , 'Faction Politics and the Education Question in New South Wales', *Melbourne Studies in Education*, 1960-61, Melbourne, 1962.
- and Wardle, P., *Members of the Legislative Assembly of New South Wales, 1856-1901*, Canberra, 1959.
- Martin, E. A., *The Life and Speeches of Daniel Henry Deniehy*, Sydney, 1884.
- Meaney, N. K., 'The Church of England in "the Paradise of Dissent". A Problem of Assimilation', *Journal of Religious History*, III, no. 2.
- Melbourne, A. C. V., *Early Constitutional Development in Australia*, Brisbane, 1963.
- Mennell, P., *The Dictionary of Australasian Biography, 1855-1892*, London, 1892.
- Merewether, J. D., *Diary of a Working Clergyman in Australia and Tasmania, 1850-1853*, London, 1859.
- An Old Methodist, *Wesleyan Methodism in New South Wales*, Fal-mouth, 1879.
- Molony, J. N., *The Roman Mould of the Australian Catholic Church, 1846-1878*, M.A., 1967, ANU.
- , *The Roman Mould of the Catholic Church in Australia*, Mel-bourne, 1969.
- Moran, Patrick Francis, *The History of the Catholic Church in Aus-tralasia*, Sydney, 1895.
- Morley, John, *The Life of William Ewart Gladstone*, London, 1903, 3 vols.
- Mossman, S. and Banister, T., *Australia Visited and Revisited*, Lon-don, 1853.
- Mundy, G. C., *Our Antipodes or Residence and Rambles in the Aus-tralian Colonies with a Glimpse of the Gold Fields*, London, 1852, 2nd rev. ed., 3 vols.
- Murtagh, James G., *Australia: The Catholic Chapter*, Sydney, 1959.
- Nadel, George, *Australia's Colonial Culture*, Melbourne, 1957.
- , *New South Wales Parliamentary Record*, Sydney, 1953.

- Nichols, G., Notes on Bishop Broughton. Collection of newspaper cuttings and copied notes by hand.
- O'Brien, E. M., *The Dawn of Catholicism in Australia*, Sydney, 1928, 2 vols.
- O'Brien, J., 'In Diebus Illis', *The Australasian Catholic Record*, XXI, no. 2.
- O'Farrell, P., *The Catholic Church in Australia*, Sydney, 1968.
- Palmer, Vance, *Legend of the Nineties*, Melbourne, 1954.
- Parker, C. S. (ed.), *Sir Robert Peel from his Private Papers*, London, 1899, 2 vols.
- , *Life and Letters of Sir James Graham, 1792-1861*, London, 1907, 2 vols.
- Parkes, Sir Henry, *Fifty Years in the Making of Australian History*, London, 1892.
- Payten, M., William Augustine Duncan, 1811-1885: A Biography of a Colonial Reformer, M.A., 1965, University of New South Wales.
- Phillips, P. K., John McEncroe, M.A., 1965, Sydney University.
- Pickering, E. G., 'The Beginning of Wesleyan Methodism in Sydney and the First Chapel', *Journal and Proceedings of the Australasian Methodist Historical Society*, nos. 46-7.
- Pidgeon, N., *The Life, Experience and Journal of Nathaniel Pidgeon*, Sydney, 1864.
- Pike, D. (ed.), *Australian Dictionary of Biography*, Melbourne. Vol. I, 1966; vol. II, 1967; vol. III, 1969.
- Porush, I., 'The Story of State Aid to Jewish Establishments in New South Wales', *Journal and Proceedings of the Australasian Jewish Historical Society*, I, pt 10 and II, pt 1.
- Pridden, W., *Australia, Its History and Present Condition*, London, 1845, new ed.
- Prior, A. C., *Some fell on Good Ground: A History of the Baptist Church in New South Wales*, Sydney, 1966.
- Robin, A. de Q., 'Bishop Perry and Lay Representation in Colonial Synods', *Journal of Ecclesiastical History*, XV.
- Robinson, J. Campbell, *The Free Presbyterian Church of Australia*, Melbourne, 1947.
- Roe, Michael, *Society and Thought in Eastern Australia, 1835-51*, Ph.D., 1960, ANU.
- , *Quest for Authority in Eastern Australia, 1835-51*, Melbourne, 1965.
- Rowland, E. C., *A Century of the English Church in New South Wales*, Sydney, 1948.
- Rusden, G. W., *History of Australia*, Melbourne, 1897, 2nd ed., 3 vols.
- Shanahan, M., Henry Gregory and the Abbey-Diocese of Sydney, 1835-61, M.A., 1965, Sydney University.
- , 'Henry Gregory, English Benedictine in Australia, 1835-1861', *Journal and Proceedings of the Royal Australian Historical Society*, LII, pt 4.
- Shaw, A. G. L., *The Story of Australia*, London, 1955.

- Silvester, E. K., *The Speeches in the Legislative Council of New South Wales on the second reading of the Bill for framing a New Constitution for the Colony*, Sydney, 1853.
- Stokes, F. M., *Origin and Foundation of St. Paul's Established within the University of Sydney*, Sydney, 1856.
- , *Sydney University Calendar, 1852-53*, Sydney, 1853.
- Suttor, T. L., *The Catholic Church in the Australian Colonies, 1840-65*, Ph.D., 1960, ANU.
- , *Hierarchy and Democracy in Australia, 1788-1870*, Melbourne, 1965.
- Sweetman, E., *Australian Constitutional Development*, Melbourne, 1925.
- Therry, R., *Reminiscences of Thirty Years' Residence in New South Wales and Victoria*, London, 1863.
- Thorpe, O., *First Catholic Mission to the Australian Aborigines*, Sydney, 1950.
- Townsend, J. P., *Rambles and Observations in New South Wales*, London, 1849.
- Ullathorne, W. B., *The Autobiography of Archbishop Ullathorne*, London, n.d.
- , *From Cabin Boy to Archbishop. Autobiography of Archbishop Ullathorne*, London, 1941.
- Walker, R. B., 'The Abolition of State Aid to Religion in New South Wales', *Historical Studies: Australia and New Zealand*, X, no. 38.
- Ward, J. M., 'Foundation of the University of Sydney', *Journal and Proceedings of the Royal Australian Historical Society*, XXXVII, pt 5.
- Ward, R., *The Australian Legend*, Melbourne, 1958.
- , *Empire in the Antipodes: The British in Australia, 1840-1860*, London, 1966.
- Westgarth, W., *Australia: its Rise, Progress and Present Condition*, Edinburgh, 1861.
- White, C. A., *The Challenge of the Years*, Sydney, 1951.
- Whittington, F. T., *William Grant Broughton*, Sydney, 1936.
- Whyte, J. H., 'The Influence of the Catholic Clergy on Elections in Nineteenth-Century Ireland', *English Historical Review*, LXXXV, no. 295.
- Wilson, F. R. M., *Memoirs of Rev. Irving Hetherington*, Melbourne, 1876.
- Withycombe, R., 'Church of England Attitudes to Social Questions in the Diocese of Sydney, 1856-1866', *Journal and Proceedings of the Royal Australian Historical Society*, XLVII, pt 2.
- Wood, F. L. W., *Constitutional Development of Australia*, Sydney, 1933.
- Woolley, J., *Lectures delivered in Australia*, Cambridge, 1862.
- Wynne, R., 'Archdeacon John McEncroe', *The Australasian Catholic Record*, from XXXI, no. 1 to XXXIII, no. 2.

Index

- Act for the Government of N.S.W. and Van Diemen's Land, (1842), 45, 48, 50, 58
- Affiliated Colleges Act, 114-15, 185, 190
- Allan, Rev. J., 31, 32, 34
- Allen, G., 140-1, 146n., 164
- Allwood, Rev. R., 221; and Church of England Synod, 109, 169, 170, 182; and University of Sydney, 113; and Sydney Church Society, 169-70
- Australian Constitution Act: (1850) 69, 125-7; (1855) 164, 167
- Barker, Bishop F., 166, 214, 227; arrival, 168; and relations with clergy, 169, 180-1, 183, 220-2; and Sydney Church Society, 169-70, 182, 207, 211; and opposition from Anglicans, 169, 177, 180-1, 183; and state aid, 170, 175-6, 205, 208, 212, 241; and Church of England Synod, 175-7, 182, 183-5; and St John's College Act, 186, 188; and voluntarism, 209, 210; and Church of England Synod bill, 218; and precedence, 231; and church and school lands, 234
- Bathurst, Earl of, 19
- Beamish, Rev. P. T., 105-6, 107
- Beazley, Rev. J., 122n., 159, 172
- Benedictines, 92-3, 97-8, 99-101, 194, 196
- Bigge, J. T., 19
- Bills for abolition of state aid: 1859 (Cowper's) 211-14; 1860 (Fors-ter's) 215-17; 1861 (Buchanan's) 230-1; 1862 (Cowper's) 236-8, 240-8 *passim*
- Blair, D., 116, 117
- Blount, E., 13
- Bourke, Sir Richard, 13, 35, 64, 118, 158; and his aims for Church Act, 7-12 *passim*, 15, 133, 142, 248-9; character, 12; and education scheme, 18, 24; and religious precedence, 25; and operation of Church Act, 30, 32-3, 34
- Bowman, G., 135, 159
- Boyce, Rev. W. B., and state aid, 62-3, 122n., 143-4
- Broughton, Bishop W. G., 89, 91n., 112, 113, 118; and relations with clergy, 9, 18, 21-3, 49, 102-3, 105-7; as politician, 16, 23, 77, 80n.; appointment as bishop, 17; and education, 18, 21, 23-4, 27, 57, 78-80, 81, 82; character, 20, 22-3; and Church Act, 20-1, 30, 57-8, 60-1, 75, 79, 103; and Tractarianism, 22-3, 50, 80-1, 83, 88, 103, 104-5, 107; and precedence, 25, 27, 84-5; and church and school lands, 27-8; and state aid, 33-4, 37, 49-50, 60, 69; and squatters, 78-80, 82, 83, 86-7; and opposition from Anglicans, 80-1, 83, 88, 98, 102, 103, 105, 107; and Society for Propagation of the Gospel, 81; and Irish, 81; and Church of England Lay Association, 82; and transportation, 83; and offertory collection, 103; and Church of England Synod, 108-9, 138, 176, 178; and aid for clergy in the interior, 150
- Brown, Bishop T. J., 93
- Buchanan, D., 230-2
- Burton, Sir W. W., 33, 87, 186
- Butler, E., 197, 236, 241n., 247

- Campbell, R., 136, 137, 163, 164, 167, 187
- Carroll, Br S., 94
- Catholic Association, 150
- Chisholm, Caroline, 225-6
- Christian Brothers, 93-4
- Church and school lands, 28, 38-9, 68-70; request for committee to report on, 212-13, 224; bill for, 232-6 *passim*, 238-40
- Church and School Lands Corporation, 7-8, 16, 19, 35, 38, 68, 124, 127
- Church of England Lay Association, 82
- Church of England Synod: pressure for, 103, 107-10, 138, 169, 170, 175-8, 182-5; bill for, 184-5, 214, 218-20, 224, 227
- Clark, C. M. H., 91
- Clark, Rev. W. B., 143n., 144, 168
- Cleland, Rev. J., 31
- Clergy: number of (1835-41), 18-19; number receiving and not receiving state aid (1842), 58, (1856), 149n.
- Coffey, Rev. N., 99n.
- Connery, Br J. O., 97, 98n.
- Convicts, 8, 9, 10, 15, 16, 87; number of, (1833, 1836), 11; effects of transportation, 116; and clergy, 122-3
- Cowper, C., 179, 220, 227, 230; and Church Act, 44, 46-7, 76, 203; and state aid, 46-7, 129, 139-40, 146, 164, 184, 229, 233; and church and school lands, 68, 213, 233-5, 239-40; and prayers before the legislature, 66; and Jews, 73; opposes government intervention in church affairs, 107; and supplement to state aid, 203-5, 207, 208; and his abolition bill (1859) 211-12, 213-14, (1862) 173, 230, 236, 240-3, 245-6; and his education bill (1859) 214; political views, 223-4; and Land Acts, 223-4; and religious precedence, 231; and elections (1843) 42-4, (1851) 129, (1856) 165
- Dalley, W. B., 185-6
- Dangar, H., 70-1
- D'Arcy, M., 96
- Darling, Rev. H., 190
- Darvall, J., 141-2, 146n., 173-4, 220
- Davis, Bishop H. C., 101, 193
- Davis, W., 197
- Denichy, D. H., 187-8, 199, 205, 239
- de Lacy, Sr, 200-1
- Denison, Sr William, 169n., 227; and Jews, 132; and extra aid to the clergy, 157; and views on state aid, 170, 182; and Church of England Synod, 182, 183-4; and university colleges, 186, 188, 189
- Donaldson, S. A., 166, 205, 207
- Elections: (1843), 40-5 *passim*, 80; (1851), 128-30; (1856), 164-6, 229; (1860), 223, 225, 228-9
- Education: 1836, 18, 21, 23-4, 27, 30, 77; 1839, 27-8, 77; 1844, 53-7, 78, 79, 81, 82, 83, 95; 1848, 57; and religion, 112-13, 118-21; bill (1859) 214
- Fairfax, J., 192
- Faucett, P., 214, 218, 232
- Fitzpatrick, Rev. J., 99n.
- FitzRoy, Sir Charles: and education, 57; and state aid, 127, (Methodists) 62-3, (Anglicans) 69-70, (Jews) 74-5, 132; and church and school lands, 68-70, 127; and religious precedence, 84; and 1850 Constitution Act, 126
- Forrest, Rev. R., 33
- Forster, W., 213, 238; and state aid, 98, 187, 191, 207-8, 209, 215, 245-6; and prayers before the legislature, 166; and his abolition bill (1860) 215-17
- Foss, A., 192
- Fullerton, Rev. J., 143-5, 189, 191
- Gipps, Sir George: and education, 24, 27-8, 55, 79; and state aid, 37-8, 47-8, 57, 58-62 *passim*, (Presbyterians) 31-2, (Methodists) 62, (Anglicans) 69, (Jews) 73-4; and Church Act, 60-1; and church and school lands, 68-9; and squatters, 79, 82, 87

- Gladstone, W. E., 74-5, 76, 138
- Glenelg, Lord, 36; and Church Act, 14, 30, 32-3, 34; and education, 18; and Anglican clergy, 22; and religious precedence, 27
- Gold rush, 117, 122, 134, 149, 153
- Goold, Bishop J., 100
- Gordon, A., 221, 246
- Gould, Rev. J., 99n
- Gregor, Rev. J., 32
- Gregory, Abbot H., 95, 97, 100, 101, 199-200, 205
- Grey, Lord: and state aid (Methodists) 62-3, (Anglicans) 69-70, (Jews) 76, 130-2; and church and school lands, 69-70; and religious precedence, 84; and 1850 Constitution Act, 126-7
- Halcombe, Rev. J., 87
- Hart, J., 197
- Hay, J., 187, 232, 236
- Hetherington, Rev. I., 34
- Heydon, J. K., 194, 197
- Holden, G. R., 140-1, 204
- Holt, T., 166, 232
- Howitt, W., 122
- Humphreys, Rev. S., 168n., 171
- Irish, 16, 99; opposition to, 28-9; and influence in N.S.W., 30, 91-2; and Duncan, 30, 95; and 1843 elections, 43-4, 45; migration of, 81; and state aid, 96, 229; and English, 97, 196
- Irish clergy, 60, 93, 193, 197; and state aid, 96; and Polding, 99, 100
- Jews, 121, 141, 204-5, 207; request for state aid (1845-6) 71-7 *passim*, (1853) 130-1, (1854) 131-4, (1860) 218
- Jones, D., 192
- Jones, R., 173-4, 212, 213
- King, Rev. G., 113, 181n., 220-2
- Lang, Rev. J. D., 30, 32, 122n., 135, 229; and church and school lands, 16; and Church Act, 17, 36, 70; hostility towards Catholics, 29; and formation of Synod of N.S.W., 31; and clash with Synod of Australia, 31, 39-40, 63-4, 91, 110n., 158n., 191, 213; and state aid, 39-40, 46, 48-9, 63, 70, 129, 146, 174, 203, 218, 232, 236; and prayers before the legislature, 65-6; and university colleges (Anglican) 115, (Presbyterian) 189-90; and separation of church and state, 120; and meeting to abolish state aid, 167-8; and church and school lands, 213, 240
- Legislative Assembly: prayers before (1856) 166-7, (1861) 232; and supplement to state aid (re-173-4, 180, (1858-9) 202-5, 207-8, (1859-60) 214-15, 216-17; and Church of England Temporalities Act, 179; and relations with Church of England, 184; and St John's College Act, 185-6; and religious equality, 187; and Presbyterian college, 190; and Presbyterian divisions, 190-1; and church and school lands, 212-13; and 1859 education bill, 214; and abolition of state aid bills, Cowper's (1859) 211-13, Forster's (1860) 215-16, Buchanan's (1861) 230-1, Cowper's (1862) 240-1, 245-7; and church and school lands bill, 232-6, 238-9; and Jews, 218
- Legislative Council before 1856: attitude towards, 12-13; and Presbyterian divisions, 31-2, 63-5; and schedule C, 45-8, 58-9, 137-8; and education, 53-7, 58, 78, 79; and prayers before (1843) 65, (1844) 66; and land, 68, 78; and state aid, 70-1, 89, 135; and Jews (1845) 72-3, (1846) 75-6, (1849) 76, (1853) 130-1, (1854) 131-2; and Church of England Temporalities Act, 102-3; and power of Broughton over clergy, 106-7; and University of Sydney, 111-12; and 1850 Constitution Act, 126-7; and supplement to state aid (1856) quest for) 135-7, (committee to consider) 140-6 *passim*, (1855) 157, 161-4, (1858-9) 204; and

- Legislative Council before 1856—
continued
Anglican funds, 139-40; and Church of England Synod bill, 214, 218, 219-20
- Legislative Council from 1856: and Church of England Synod bill, 184-5; and St John's College Act, 186; and religious equality, 186; and church and school lands, 234, 236, 238-9; and abolition of state aid bill (1862), 247-8
- Longmore, A., 128-9
- Lowe, R.: and state aid, 49, 75; and education, 53, 82; and Presbyterians, 64; and Church Act, 70; and squatters, 82; attacks Broughton's power over clergy, 102-3, 106-7
- Lumsdaine, Rev. W., 58n., 172
- Lutwyche, A. P., 234
- Lynch, Dean J. T., 217
- Macarthur, H., 41
- Macarthur, J., 111, 226; and Church Act, 14; and 1843 elections, 42-4
- Macarthur, W., 226
- MacDermott, H., 43
- Macdonnell, R., 197
- McEncroe, Rev. J., 122n., 143n.; views on state aid, 60, 96, 229; complains to the Pope, 99, 100; and elections (1851) 128, (1856) 165, (1860) 226-7; and influence among Catholics, 193, 194-5, 196, 200
- McGarvie, Rev. J., 30-1, 63
- McGibbon, Rev. J., 190n., 213
- McIntyre, D., 217
- McIntyre, Rev. W., 217
- McLennan, Rev. I., 97, 98n.
- Maconochie, Captain, 90
- Makinson, Rev. T., 104-5, 107
- Manhood suffrage, 117-18, 121, 154, 179, 198, 223, 224
- Manning, W. M., 140-1, 146n., 163, 174, 234, 239, 247
- Marks, J., 132
- Martin, J., 186, 234, 239; and supplement to state aid, 136, 140, 162-3, 203-5; and 1859 abolition bill, 211-12
- Meetings to abolish state aid: (1855) 158-60; (1856) 167-8, 171-2; (1860) 217; (1862) 242
- Merewether, F., 40, 146n., 161-4
- Mort, T. S., 109
- Mundy, G. C., 116
- Murphy, Rev. F., 43, 95, 96
- Murray, T. A., 131, 166, 212-13
- Newcastle Church Society, 153
- Newcastle, Duke of, 188, 231-2, 235, 238
- Nichols, G., 130-2
- Nicholson, Sir Charles, 78n., 112-13
- Nixon, Bishop F. R., 153
- O'Connell, D., 168
- O'Connell, Dean D. M., 197
- O'Connor, R., 197
- Pakington, Sir John, 126, 127-8
- Parker, H. W., 173-4, 180
- Parkes, Sir Henry, 139, 141, 208n., 235; and manhood suffrage, 117-18; and elections (1851) 128, (1856) 165, 229; and Jews, 132
- Passionist Order, 94
- Perry, Bishop C., 108, 124, 157n., 168
- Piddington, W. R.: and Anglican clergy, 184; and state aid, 203-5, 233, 238, 240-1, 245-6, (Jews) 207
- Plunkett, J., 118, 192, 197, 201, 214; and Church Act, 13-14, 61, 76-7, 137, 141, 145, 146, 204, 247; and state aid, 61, 137, 145, 146, 163, 191, 207, (Presbyterians) 31, (Jews) 73, 76-7, 203, (goldfields) 215; and prayers before the legislature, 65; opposes government intervention in church affairs, 107, 141; and elections (1856) 165, 229, (1860) 226; and compulsory voluntarism, 174, 175; and St John's College Act, 187; and abolition bills (1859) 212, (1860) 216, (1862) 247-8
- Polding, Archbishop J. B., 91n., 95, 96, 104, 118, 143n., 165, 229; and Church Act, 16, 18, 59, 61; and education, 24, 55, 119; and precedence, 25, 84, 231; character, 29; and state aid, 37, 59, 61, 92,

- 212, 227, 241; and relations with clergy, 92-3, 98-9, 100-1; and Benedictine plans, 92-3, 97, 100, 101; and Christian Brothers, 93-4; and Passionist Order, 94; and Sisters of Charity, 94; and Catholic opposition, 94, 98, 101-2, 192-3, 196-201 *passim*; and Catholic Association, 150; and St John's College Act, 186, 195; and church and school lands, 234
- Population: (1833, 1836) 11n., (1842) 40, (1850) 124, (1851) 116; migrants (1833) 11n., (1852-6) 121n.; bond and free (1834, 1844) 54n.; denomination (1841) 59n., (1851) 149, (1856) 154n.; land of birth (1846) 81n.
- Powell, Rev. P., 228
- Prayers: before Legislative Council, 65-6; before Legislative Assembly, 166-7, 232
- Presbyterian college, 188-90
- Priddle, Rev. C. F., 169
- Puseyism, *see* Tractarianism
- Riddell, C. D., 131
- Ridley, Rev. W., 168
- Rigney, Rev. J., 98-9
- Riordan, Br P., 93
- Robertson, J., 189, 230, 234n.; and state aid, 160-1, 173, 187; and Land Acts, 202, 213, 223-5, 232-3, 236, 240; and church and school lands, 238-9
- Robinson, J. P., 66
- Ross, Rev. R., 54, 122n., 172
- Russell, Rev. F. T. C., 106-7
- Russell, Lord, 37-8, 132, 138, 212, 235
- St John's College Act, 185-8, 195
- St Paul's College Act, 113-15, 187
- Salmon, Rev. A., 158-9
- Saunders, Rev. J., 54
- Schedule C, 57, 58, 59, 62, 69, 70, 73, 75, 81, 132-3, 137-8, 208; debates on (1844) 45-8, (1845) 49-50; and Jews, 73-4, 75, 76; and Anglicans, 104; and 1850 Constitution Act, 126-7, 129
- Sconce, Rev. R. K., 103-5, 106, 107
- Scott, T. H., 19
- Selwyn, Bishop G. A., 114, 153, 211
- Sharpe, Rev. J., 159
- Sheehy, Rev. S. A., 97, 98n., 100
- Shepherd, I., 228
- Sheridan, Rev. J. F., 97, 98n., 100
- Sisters of Charity, 94
- Society for Propagation of the Gospel, 57, 81
- Squatters, 82, 86-7, 226-7; and state aid, 78-9, 80; and transportation, 83, 122
- Stack, Rev. W., 113, 143n., 144, 182, 221
- Stanley, Rev. G. H., 171
- Stanley, Lord: and state aid, 13, 47-8, 58, 60-1, 157; and education, 57; and Church Act, 61; and church and school lands, 68-9; and religious precedence, 84; and St John's College Act, 186-8
- State Aid Abolition League, 216
- Stephen, Sir Alfred, 109, 113
- Stiles, Rev. H. T., 143n., 144
- Sumner, Rev. B., 98
- Supplement to state aid: request for (1852) 135-7; committee to consider (1854) 140-6 *passim*, (1855) 157-8, 161-4; reaction to (1854) 146-8, (1856) 173-5, (1858-9) 202, 205, 207, 208, 214-15
- Sydney Church Society, 150, 169-71, 177, 181-2, 207, 210-11
- Therry, Rev. J., 99, 197
- Therry, Judge R., 49, 87; and state aid, 13, 46-7; and elections (1843) 42-4; and Church Act, 46; and prayers before the legislature, 65
- Thomson, E. D.: and state aid, 45-6, 59, 135, 164, 247, (Jews) 72, 130; and Church Act, 70-1, 72; and Church of England Synod bills, 184, 218-19
- Tractarianism, 22-3, 39, 49-50, 80-1, 83, 88, 103-5, 107
- Turner, Rev. G., 143n., 144
- Tyrrell, Bishop W., 108, 211; and University of Sydney, 112-13; and St Paul's College, 113-15; and voluntary scheme, 146, 152-3, 182; and opposition from Anglicans,

- Tyrrell, Bishop W.—*continued*
 177-8; and Church of England
 Synod, 184; and state aid, 242-3
- Ullathorne, Rev. W. B., 16, 18, 92-3,
 95
- University of Sydney, 111-13
- Voller, Rev. J., 159, 168, 205-6, 241-2
- Walker, Rev. J., 143n., 144-5, 168
- Wentworth, W. C., 107, 126; and
 elections (1843) 43-5; and state
 aid, 48, (Jews) 72, 75-6, 130-1,
 133; and prayers before the legis-
 lature, 65; and University of Syd-
 ney, 111-12
- White, Rev. J. S., 237n.
- Whiteford, Rev. G., 168n.
- Wilkinson, Rev. F., 113, 143
- Willson, Bishop R. W., 99
- Wilshire, J. R., 158, 162
- Wilson, J. B., and church and
 school lands, 213, 232-6 *passim*,
 238, 239; and abolition bill (1862)
 240-1, 245-6
- Woolley, Rev. J., 112, 116-17, 121,
 183
- Young, Sir J., 235, 248

Dr Naomi Turner gained her doctorate in history at the Australian National University. She is principal of the Brigidine Secondary School at Randwick, N.S.W., a member of the Brigidine Congregation and of the Australian Council of Education.



Text set in 10pt Linotype Janson and printed on 85 gsm
Burnie Machine Finish by Halstead Press Pty Ltd, Sydney

Dr Naomi Turner gained her doctorate in history at the Australian National University. She is principal of the Brigidine Secondary School at Randwick, N.S.W., a member of the Brigidine Congregation and of the Australian Council of Education.

Jacket design by Arthur Stokes

Printed in Australia

MARY SHANAHAN

OUT OF TIME, OUT OF PLACE

Henry Gregory and the Benedictine Order in Colonial Australia

A study of conflict between Irish laity and English hierarchy, shedding light on the history of the Australian Catholic Church and on social tensions in colonial society. 187 pp., cloth.

G. C. BOLTON

A THOUSAND MILES AWAY

A History of North Queensland to 1920

Every facet of North Queensland's story is related as explorers, prospectors, squatters, miners, and planters struggle to establish a viable white community in the tropics. 336 pp., cloth.

RUPERT GOODMAN

SECONDARY EDUCATION IN QUEENSLAND

1860-1960

The birth and growth of the Queensland secondary education system—with far reaching proposals applicable to all States. 396 pp., cloth.

W. H. PEARSON

HENRY LAWSON AMONG MAORIS

Lawson was a failure in his relations with the Maoris. This is a study of the reasons—it is the only book to deal specifically with Lawson's New Zealand experiences. 224 pp., cloth.

Australian National University Press, Canberra

0 7081 0738 0